CITY OF ASTORIA, OREGON

A PAMPHLET.

Containing a copy of a new Charter for the City of Astoria providing for what is known as a Commission form of Government. "Proposed by Initiative Petition."

To be submitted to the legal voters of the City of Astoria, Oregon, for their approval or rejection, at the

SPECIAL ELECTION

to be held

On the Thirteenth Day of December, 1911

Compiled and issued by

OLOF ANDERSON, Auditor and Police Judge of the

CITY OF ASTORIA.
State of Oregon.

(Publication Authorized by Ordinance No. 3315.)

PRINTED BY
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CHARTER

OF THE

CITY OF ASTORIA

Astoria, Oregon

To be submitted to the legal voters for their approval or rejection at the Special Election to be held on the 13th day of December, 1911

The following is the form and number in which the question will be printed on the official ballot:

For enacting a new Charter for the City of Astoria, in Clatsop County, State of Oregon, and changing its present form or method of government to a Board of three Commissioners, adopting what is commonly known as the Commission form of City Government and prescribing the rights, powers and liabilities of said City of Astoria, and the rights, powers and duties of said Board of Commissioners.

		Vote YES or NO
300	Yes.	
301	NO.	

A BILL.

To propose by initiative petition a law enacting a new charter for City of Astoria, in Clatsop County, Oregon, whereby the present form or method of government of said City of Astoria is changed to a Board of Three Commissioners, adopting what is commonly known as the Commission Form of City Government for saidCity of Astoria, and prescribing the rights, powers and liabilities of said City of Astoria, and the rights, powers and duties of said Board of Commissioners.

Be It Enacted by the People of the State of Oregon.

Be It Enacted by the People of City of Astoria, in Clatsop County, Oregon:

C H A R T E R.

Chapter 226 of the Laws of Oregon enacted in 1907, provide that cities may enact any charter or amendment thereto by "initiative" in submitting the new charter to a vote of the people, provided that said charter does not conflict with the laws of the State. By virtue of said Act this charter is submitted to the people of Astoria by the Committee appointed by the Mayor pursuant to a vote of the citizens of the City of Astoria at an election held on December 14th, 1910. It has been drafted after much study of charters of other cities of the United States which have adopted the Commission Form of Government.

This charter provides that the legislative, executive and judical powers of the city shall extend, as far as same are granted by the laws of the state, to all matters of local and municipal government.

The legislative powers of the city are vested in the Commissioners except such which are reserved to the people by the laws of the state and by this charter, mainly as to recall, initiative and referendum. Therefore the people keep continuous and full control of the Commissioners whom they may recall at any time.

The executive and administrative powers have been divided into three departments, and under the control of three (3) Commissioners.

DEPARTMENT No. 1.

Public Affairs.
Finance.
Police and Pound.
Municipal Court.

Public Buildings.
Parks and Library.
General Supervision of all other officers and affairs not now defined.

DEPARTMENT No. 2.

Highways.
Streets.
Sewers.
Lighting.

DEPARTMENT No. 3.

Water.
Fire.
Sanitary.
Wharves and Water Frontage.

The mayor is to be Commissioner of Department No. 1.

Each Commissioner is elected directly by the people to his department and is responsible to the people for said department, and shall give his whole time thereto.

The mayor is the chief executive officer of the city. Upon the recommendation of the Commissioner of the appropriate Department he shall apoint the heads of each department and all other employees in the service of the city. In case of disagreement between the mayor and the head of one of the other departments, a majority vote of the three Commissioners shall decide

Division of the City by precincts is kept only for convenience in registration and voting, and a "non-partisan" system of election is provided for, in order that the best men may be obtained.

The people retain the right of disposing by votes at a special general election of public franchises and utilities, also of large appropriations or any bonded indebtedness.

Under the Initiative and Referendum law of the State this Charter may be amended or abolished at any time by a majority vote and a return made to the present or Council Form of City Government.

This Charter is divided as follows:

Article I. Name, Boundaries, Powers, Rights and Liabilities.

Article II. Elections.

Article III. Recall, Initiative and Referendum.

Article IV. Recall of Elective Officers.

Article V. Elective Officers.

Article VI. Board of Commissioners.

Article VII. The Mayor.

Article VIII. Executive and Administrative Departments.

Article IX. DEPARTMENT No. 1. Public Affairs, Finance, Police and Pound, Municipal Court, Public Buildings, Park and Library, General Supervisions.

Article X. DEPARTMENT No. 2. Highways, Sewers and Lighting.

Article XI. DEPARTMENT No. 3. Water, Fire, Sanitary, Wharves and Water Frontage.

Article XII. Officers and Employees.

Article XIII. Franchises and Public Utilities.

Article XIV. Commissions and Boards.

Article XV. General Provisions.

Article XVI. Sundry Provisions.

THE CHARTER OF THE CITY OF ASTORIA, OREGON.

PREAMBLE.

ARTICLE 1.

Name, Boundaries, Powers, Rights, and Liabilities.

Sec.1 *NAME, BOUNDARIES AND PRECINCTS*—The municipal corporations now existing and known as the City of Astoria shall remain and continue to be a body politic and corporate, under the name the "City of Astoria" and with the same boundaries, to wit, Beginning at a point in the center of the main ship channel of the Columbia river at its intersection with the east line of the Robert Shortess Donation Land Claim extended, in Clatsop County, in the State of Oregon; and running thence south along said extended line to an intersection with the north line of Birch street in the Town of Alderbrook; and thence east along the north line of Birch street to an intersection with the east line of Eleventh street in the Town of Van Dusen's Astoria; thence south along said east line of Eleventh street to a point where, if the same were extended, it would intersect a line drawn through the center of sections Fourteen and Fifteen of township Eight north of range Nine west of the Willamette meridian; thence west along the extension of a line drawn through the center of said sections Fourteen and Fifteen to the point of its intersection with the east boundary line of the John M. and Susan L. Shively Donation Land Claim; and thence south along said east boundary line of said Shively Donation Land Claim to the southeast corner thereof; and thence west along the south boundary line of said Shively Donation Land Claim to its intersection with the east line of the Town of Williamsport; and thence south along the east line of Williamsport to the southeast corner thereof; and thence west along the south line of said Williamsport to its intersection with the meander line of Young's Bay thence westerly along said meander line to its intersection with the extension of the easterly line of Dressden avenue, in the Town of Taylor's Astoria;

and thence southerly along the extension of said easterly line of said Dressden avenue to its intersection with the main channel of Young's river; and thence down said channel to its intersection with the main channel of the Columbia river; thence due north across said main channel of the Columbia river to the north side thereof; and thence up and along the north side of the main channel of the Columbia river to a point due north of the point of beginning, and thence south to the point of beginning, divided into the same precincts, as now existing, with power and authority to change its boundaries in the manner authorized by law.

Sec. 2. *RIGHTS AND LIABILITIES.* (a) By the name of the "City of Astoria," the city shall have perpetual succession and shall own, possess and hold all property, real and personal, heretofore owned, possessed or held by City of Astoria, and shall assume, manage, and dispose of all trusts in any way connected therewith:

(b) Shall succeed to all the rights and liabilities and shall acquire all benefits, and shall assume and pay all valid bonds, legal obligations, and indebtedness of said City of Astoria, by the name of the "City of Astoria," may sue and defend, plead and be impleaded in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of real and personal property.

(c) May receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for public, charitable, or other purposes, and do all things and acts necessary to carry out the purpose of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or donation.

Sec. 3. *POWERS* (a) The "City of Astoria" shall have the power within or without its territorial limits, to construct, condemn and purchase, acquire, lease, add to, maintain, con-

duct and operate water works, light plants, telephone systems, power plants, transportation systems, heating plants, parks, wharves and water frontage, and any other public utilities, or works or ways, local in use and extent, in whole or in part, and everything required therefor for the use of said city and the inhabitants thereof, any such systems, plants, or works, or ways, or any contracts in relation or connection therewith, that may exist and which said city may desire to purchase in whole or in part, the same or any part thereof may be purchased by said city, which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes save and except as in this Charter otherwise provided.

(b) The legislative, executive and judical powers of the City shall extend to all matters of local and municipal government as more especially defined in Article XV, it being the intent hereof that the specifications of particular powers by any other provision of this Charter shall never be construed as impairing the effect of the general grant of powers of local government hereby bestowed.

(c) The City shall also have all powers, privileges and functions which by, or pursuant to the Constitution or Laws of the State, have been, or could be, granted to or exercised by any city of its population.

(d) All the powers of the city shall, except as otherwise provided in this charter, be exercised by the Board of Commissioners, subject to distribution and delegation of such powers as provided in this charter or by ordinance not in conflict herewith.

Sec. 4. *POWERS VESTED IN A MAYOR AND TWO COMMISSIONERS.* The power and authority given to the municipal corporation of the City of Astoria by this act, is

vested in a Mayor, and two Commissioners, and their successors in office to be exercised in the manner hereinafter provided.

Sec. 5. *TERM OF OFFICE OF COMMISSIONERS.* (a) The Mayor and two Commissioners shall be elected for a term of six years, and shall hold their offices until their successors are elected and qualified.

(b) At the first election of Officers under this Charter, the Mayor shall be elected for the term of six years, and of the two remaining commissioners, the one receiving the highest number of first choice votes in the said election, shall hold his office for four years, and the commissioner receiving the next highest number, shall hold his office for two years.

QUALIFICATIONS OF COMMISSIONERS.

Sec. 6. No person is eligible to the office of City Commissioner who, at the time of his election or appointment is not entitled to the privileges of an Elector according to the laws of this State, and has not resided in the City of Astoria for three years next preceding such election or appointment.

Sec. 7. No person shall qualify as a Commissioner of this City ,until he has filed with the County Clerk or County Judge of Clatsop County, a surety bond issued by some Surety Company in good standing, to the amount mentioned in the following Section.

Sec. 8. The Mayor Commissioner shall be required to furnish a Surety Bond for not less than $15,000, and the other Commissioners shall be required to furnish a Surety Bond for not less than $10,000 each.

Sec. 9. The Fees charged for such Surety Bonds, and recording same, shall be paid by the City of Astoria.

ARTICLE II.

ELECTIONS.

(1) *GENERAL AND SPECIAL ELECTIONS*—A municipal election shall be held in the city on the second Wednesday of April, 1912, and on the second Wednesday in April on every second year thereafter, and shall be known as the General Municipal Election. All other municipal elections that may be held shall be known as Special Municipal Elections.

(2) *REGISTRATION*—No person shall be permitted to vote at any municipal election without having been registered. The registration shall be the same as is now or may hereafter be provided by the general laws of the State, except as the commission may otherwise by ordinance provide.

(3) *JUDGES AND CLERKS*—The judges and clerks of any election shall be selected from a list of persons, one each of whom may be proposed for each election precinct by each candidate. In case there are five candidates or more who present lists at any election, not more than one judge or clerk of election shall be chosen for each precinct from the names proposed by any one candidate. All such lists shall be proposed in writing at least fifteen days before election. In case an insufficient number of names are so proposed, the commission may select such number as may be necessary in order to provide three judges and two clerks for each election precinct.

(4) *NOMINATION AND ELECTION OF OFFICERS*—The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise:

(5) *CONDITION OF CANDIDACY*—The name of a candidate shall be printed upon the ballot when the petition of nomination shall have been filed in his behalf, in the manner and form and under the conditions hereinafter set forth.

(6) *FORM OF NOMINATION PETITION*—The petition of nomination shall consist of not less than twenty-five (25) individual certificates which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

STATE OF OREGON)
County of Clatsop) ss.
City of Astoria

I do hereby join in a petition for the nomination of .....whose residence is at No. .....Street, Astoria, for the office of Commissioner of Department..... to be voted for at the municipal election to be held in the City of Astoria, on the .....day of....., 19....., and I certify that I am a qualified elector, and am not at this time a signer of any other certificate nominating any other candidate for the above named office; that my residence is at No. ..... Street, Astoria, and that my occupation is .....

I also certify that I believe the above named person is especially qualified to fill the said office and is of a good moral character. I further certify that I join in this petition for the nomination of the above named person believing that he has not become a candidate as the nominee or representative of, or because of any promised support from any political party, or any committee or convention representing or acting for any political party.

(Signed) .....

STATE OF OREGON)
County of Clatsop) ss.
City of Astoria)

.....being first duly sworn, deposes and says that he is the person who signed the foregoing certificate, and that the statements therein are true.

Subscribed and sworn to before me this .....

My commission expires .....

Notary Public.

The petition of nomination, of which this certificate forms a part shall, if found insufficient, be returned to..... at No. .....Street, Astoria.

(7) *FORMS SUPPLIED BY CITY CLERK*—It shall be the duty of the city clerk to furnish upon application, a reasonable number of forms of such individual certificates, and of acceptances or rejections of nomination.

(8) *REQUIREMENTS OF CERTIFICATE*—Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name and signature of one signer thereto and no more. Each certificate must contain the name of one candidate and no more. In case an elector has signed two or more conflicting certificates, all such conflicting certificates shall be rejected. Each signer must make oath to his certificate before a Notary Public substantially in the form prescribed in Section 6 of this article.

(9) *DATE OF PRESENTING PETITION*—Twenty-five or more of such individual certificates shall constitute a petition of nomination for any one candidate, and shall be presented to the city clerk, not earlier than forty nor later than thirty days

before the election. The clerk shall endorse thereon the date upon which the petition was presented to him, and by whom presented.

(10) *EXAMINATION OF PETITION BY CITY CLERK*—When a petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there in writing on said petition state the reason why such petition cannot be filed, and shall forthwith return the petition to the person presenting the same, named as the person to whom it shall be returned in accordance with this article. The petition may then be amended and again, but not later than three days after said petition shall have been returned, presented to the City Clerk, as in the first instance. The City Clerk shall forthwith proceed to examine the amended petition as hereinbefore provided.

(11) *FILING OF PETITIONS*—If either the original or the amended petition of nomination be found sufficiently signed, as hereinbefore provided, the City Clerk shall file the same forthwith.

(12) *WITHDRAWAL OR ACCEPTANCE*—Any person whose name has been presented under this Article as a candidate may, not later than fifteen days before the election, cause his name to be withdrawn from nomination by filing with the City Clerk a request therefor in writing, under his own signature, duly attested by a Notary Public, and no name so withdrawn shall be printed upon the ballot. Any person nominated under this Article shall file his acceptance with the City Clerk not later than fifteen days before the day of the election, and in the absence of such acceptance, the name of the candidate shall not appear on the ballot.

(13) *FORM OF ACCEPTANCE*—The acceptance mentioned in the preceding paragraph shall be substantially in the following form:

STATE OF OREGON)
County of Clatsop) ss.
City of Astoria)

I, ..., having heretofore been nominated for the office of ..... in said city, do hereby accept the said nomination, and I have not become, and am not a candidate as the nominee or representative of, or because of any promised support from any political party, or any committee or convention representing or acting for any political party, or organization.

(Signed) .....

Subscribed and sworn to before me this ..... day of ....., A. D., 19.....

My commission expires .....

.....
Notary Public.

(14) *PRESERVATION OF PETITIONS, ETC.*—The City Clerk shall preserve in his office, for a period of two years, all petitions of nomination, and all certificates, acceptances, and rejections belonging thereto filed under this Article.

(15) *ELECTION NOTICES*—The City Clerk shall, on the tenth day before every city election, certify a list of the candidates so nominated for office at such elections, whose names are entitled to appear on the ballot, as being the list of candidates nominated as required by this charter, together with the offices to be filled at such election, designating whether such election is for a full or unexpired term; and he shall file in his office said certified list of names and the offices so to be filled, and he shall cause to be published in a notice calling such election, for three successive days before such election, in at least one daily newspaper of general circulation, and published in the

City of Astoria, an election notice, which said notice shall contain a list of said names of candidates, the offices to be filled, and the time when, and the places of holding such election.

(16) *PREFERENTIAL BALLOT—FORM*—The City Clerk shall cause ballots for each general and special election to be printed, bound, numbered, endorsed, and authenticated, as provided by the constitution and laws of the State, except as otherwise required in this Charter. The ballots shall contain the full list and correct name of all the respective offices to be filled, and the names of the candidates nominated therefor. (When there are three and not more candidates for any office, then the ballot shall give first and second choice only. When there are less than three candidates for any office, all distinguishing columns as to choice, and all reference to choice, may be omitted.)

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF ASTORIA.

(Inserting date thereof)

INSTRUCTIONS—To vote for any person, make a cross (X) in the square in the appropriate column according to your choice, at the right of the name voted for. Vote your first choice in the first column; vote your second choice in the second column; vote your third choice in the third column. Do not vote more than one choice for one person, as only one choice will count for any candidate by this ballot. All distinguishing marks make the ballot void. If you wrongly mark, tear or deface this ballot, return it, and obtain another. If there are no more than two candidates for any office, vote first choice only.

If there are three candidates for the same office, each voter must designate one first and one second choice; if there are more than three candidates for the same office, each voter must de-

signate one first, one second and one third choice, otherwise the ballot is void.

Commissioner of Department No. 1.	First Choice	Second Choice	Third Choice
John Doe			
James Foe			
Louis Hoe			
Dick Joe			
Richard Roe			
Commissioner of Department No. 2.			
Harry Brown			
Harry Jones			
Fred Smith			
Commissioner of Department No. 3.			
Joe Black			
Robert White			

CHARTER AMENDMENTS, ORDINANCES, OR OTHER REFERENDUM PROPOSITIONS.

(17) *BLANK SPACES FOR ADDITIONAL CANDIDATES*—One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

(18) *REQUIREMENTS OF BALLOT*—All ballots printed shall be identical, so that without the numerical number thereon it would be impossible to distinguish one ballot from another. Space shall be provided on the ballot for Charter Amendments or other questions to be voted on at the municipal election, as provided by this charter. The names of the candidates for each office shall be arranged in alphabetical order of the surnames. Nothing on the ballot shall be indicative of source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions.

(19) *SAMPLE BALLOTS*—The City Clerk shall, at least five days before the election, cause to be printed sample ballots, upon paper of different color, but otherwise identical with the ballot, to be used at the election, and shall distribute the same, upon application of the candidates, to the registered voters at his office.

(20) *CANVASS AND ELECTION*—As soon as the polls are closed, the election judges shall immediately open the ballot boxes, take therefrom and count the ballots, and enter the total number thereof on the tally sheet provided therefor. They shall also carefully enter the number of the first, second and third choice votes for each candidate on said tally sheet and make return thereof to the City Clerk as provided by law. No

vote shall be counted for any candidate more than once on any ballot, all subsequent votes on that ballot for that candidate being void.

The person receiving more than one-half of the total number of ballots cast at such election as the first choice of the electors for any office shall be elected to that office: provided, that if no candidate shall receive such a majority of the first choice votes for such office, then and in that event, the name of the candidate printed on the ballot having the smallest number of first choice votes, and all the names written on the ballot having a less number of votes, than such last named candidate, shall be excluded fro mthe count, and votes for such candidate or persons so excluded shall not thereafter be counted. A canvass shall then be made of the second choice votes received by the remaining candidates for said office: said second choice votes shall then be added to the first choice votes received by each remaining candidate for such office, and the candidate receiving the largest number of said first and second choice votes, if such votes constitute a majority of all ballots cast at such election, shall be elected thereto: and provided further, that if no such candidate shall receive such a majority after adding the first and second choice votes, then and in that event, the name of the candidate then having the smallest number of first and second choice votes shall be excluded from the count, and no votes for such candidate so excluded shall thereafter be counted. A canvass shall then be made of the third choice votes received by the remaining candidates for such office, said third choice votes shall then be added to the first and second choice votes received by each remaining candidate for such office, and such remaining candidates receiving the highest number of first, second and third choice votes shall be elected thereto. When the name of but one person remains as a candidate for any office, such person shall be elected thereto regardless of the number of votes received.

A tie between two or more candidates is to be decided in favor of the one having the greatest number of first choice

votes. If all are equal, in that respect, then the greatest number of second choice votes determine the result. If this will not decide, then the tie shall be determined by lot, under the direction of the canvassing board.

Whenever the word "majority" is used in this section, it shall mean more than one-half of the total number of ballots cast at such election.

(21) *INFORMALITIES IN ELECTION*—No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this charter.

(22) *GENERAL ELECTION REGULATIONS*—The provisions of any State law, now or hereafter in force, except as the commission may otherwise by ordinance provide, relating to the qualifications and registration of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this Charter, so far as they may be applicable, shall govern all municipal elections: Provided, also, that the commission shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the commision is a candidate for re-election, the commission shall appoint some Justice of the Peace or Notary Public of said city to take the place of said candidate upon said canvassing board as a member thereof.

(23) At the first City election held under this Charter, on the second Wednesday in April 1912, the canvassing Board shall consist of the present Auditor and Police Judge, the Justice of the Peace of Astoria, together with the County Clerk of Clatsop County.

(24) At ten o'clock on the first day of July, 1912, the Term of Office of the Mayor, of the City Council, of all Com-

missions, and of all other elective or appointed Officials, who are then in office, shall terminate and the Commissioners elect shall assume charge of the Affairs of the City of Astoria, and all the powers and duties of the present Officials and Commissioners not otherwise specified in this Charter shall be vested in the Board of Commissioners elect mentioned in this Charter.

ARTICLE III.

RECALL, INITIATIVE AND REFERENDUM.

Sec. 1. *STATE LAWS*—The powers of the people as to Recall, Initiative and Referendum shall be exercised as defined by the laws of the State of Oregon except as hereinafter provided.

Sec. 2. *CANDIDACY*—Any officer sought to be removed may be a candidate to succeed himself.

Sec. 3. *TIME OF INCUMBENCY*—The incumbent shall continue to perform the duties of his office until the removal election. If then elected, he shall continue in office for the balance of his term. If not elected, he shall be deemed to be removed upon the qualification of his successor, who shall hold office during the unexpired term.

Sec. 4 *INCAPACITY OF RECALLED OFFICER*—No person who has been removed from any office by recall, or who has resigned from such office while recall proceedings were pending against him shall be appointed to any office within two years after such removal by recall or resignation.

Sec. 5 *FURTHER REGULATIONS*—The Board may by Ordinance make in regard to recall, Initiative and Referendum,

such further regulations as may be necessary to carry out the exercise of the rights of the people.

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS.

Sec. 1. Whenever one hundred of the legal voters of this city, whose names appear upon the Registration Books of the last regular City election, shall file with the City Clerk, (during regular office hours) a Recall Petition against any elective City Officer, setting forth in unequivocal language, not exceeding three hundred words, their reasons for a Recall, the City Clerk shall within ten days after such Petition is filed, compare the signatures upon the petition with the corresponding signatures upon the registration books of the last preceding City Election, and if he finds that the required one hundred legal electors as above prescribed are upon the Registration Books of the last preceding City Election, then he shall within ten days thereafter publish in at least one daily newspaper published in the City, for ten successive days, the above mentioned Recall Petition, together with the reasons given therein for said recall to which he shall attach his statement, that; if within ten days after the last publication of this notice, no less than twenty-five per cent of the legal voters of this city whose names appear upon the Registration Books of the last preceding City Elections, shall appear at the office of the City Clerk and register their approval for the Recall of said officer on a Register especially prepared for that purpose, (upon which Register and upon each page of said Register, required for the name of the interested Petitioners, shall appear the Petition in full, as originally filed, each Elector must sign his name in full, also his residence, etc., as at a Regular Eelection,) that a special election will then be held for the recall of the officer named in the Recall Petitions.

Sec. 2. Upon the expiration of ten days, the City Clerk shall check the names upon the special register prepared for this Recall with the Registration Books of the last regular City Election, and if he finds that no less than twenty-five per cent of the legal voters whose names appear upon the last regular Registration Books have correctly signed the Special Recall Register, then the City Clerk shall immediately call a Special Recall Election, for the Recall mentioned in the above named Petition, which election must be held no sooner than twenty nor later than forty days after the publication of this notice, unless the Recall Petition is filed within six months of any Regular City Election, in which event the Recall election must be deferred until the regular City Election.

Sec. 3. Special Recall elections must be held and returns thereof made in the same manner as at a Regular City Election.

Sec. 4. Candidates to succeed any Officer sought to be removed must file their nominations as in the case of a regular City Election.

Sec. 5. The Officer sought to be removed need file no Petition, his name must appear upon the ballot, unless he shall within ten days prior to such Special Election, resign his office.

Sec. 6. If such Officer sought to be recalled does not resign as above mentioned, the City Clerk shall cause to be printed upon the ballot prepared for such special recall election and immediately preceding the names of the candidates, first: the reasons given for the recall in the original Recall Petition, with the head line "Reasons for Recall," which is to be followed by the statement of the officer sought to be recalled, which statement must also not exceed three hundred words and its headline shall be "Statement of Incumbent" (giving his name.)

Sec. 7. The City Clerk shall also cause to be published, together with the Special Election Notice, the above mentioned "Reasons for Recall and the Statement of the Incumbent," as a part of the said election notice.

Sec. 8. No Recall Petition shall be accepted by the City Clerk until an Officer shall have held office for at least one year.

Sec. 9. No Recall Petition shall be accepted by the City Clerk against any Officer more often than once in every twelve months.

Sec. 10. The successor of any recalled officer, shall hold office for the unexpired term for which the recalled officer was elected.

Sec. 11. If any officer elected to succeed a recalled official fails to qualify within twenty days after this election, then the two remaining Commissioners shall fill the vacancy for the unexpired term, but under no circumstances shall they appoint the officer whom the people have just recalled.

Sec. 12. If the officer sought to be removed is re-elected by the people at such Special Recall Election, then he shall continue in office without further qualification.

ARTICLE V.

ELECTIVE OFFICERS.

Sec. 1. *COMMISSIONERS*—The elective officers of the City shall consist of three commissioners and shall be known as the Board of Commissioners, one of whom shall be the Commisioner of Department No. 1 and Mayor; one shall be Commisioner of Department No. 2, and one Commissioner of Department No. 3.

Each Commissioner shall be elected directly to his department by the people.

Sec. 2. *DIVISION*—Department No. 1 shall have charge of:

Public Affairs

Finance.

Police and Pound.

Municipal Court.

Public Buildings.

Parks and Library.

General Supervision.

Department No. 2 shall have charge of:

Highways.

Streets.

Sewers.

Lighting.

Department No. 3 shall have charge of:

Water.

Fire.

Sanitary.

Wharves and Water Frontage.

Sec. 3. *OFFICERS, SALARIES*—The Mayor Commissioner shall receive a salary of $2500 per annum, and each of the other two Commissioners shall receive $1800 per annum, payable monthly.

Sec. 4 *NO FURTHER COMPENSATION*—None of any such Commissioners shall receive any further compensation for any service he may render the city, other than his salary as

Commissioner, and as is furuther specified in Article XII, Sec. 7, concerning officers and employees.

Sec. 5. *VACANCY*—If a vacancy occur in the office of Mayor or Commissioner, the Board shall appoint an eligible person to fill such vacancy until the next general municipal election. Any vacancy shall be then filled by election for the unexpired term.

Vacancy shall exist when an elective officer fails to qualify for thiry days after notice of his election, dies, resigns, is removed from office, removes from the city, absents himself continuously therefrom for more than three months, is convicted of a felony or judicially declared a lunatic as defined by statute.

When a Commissioner or Officer, or an employee of the city is absent from his post of duty more than fifteen days for any other cause but sickness, the Board of Commissioners shall appoint temporarily a Commissioner, officer or employee, to take his place and the salaries of said absent Commissioner, officer or employee, shall cease from date of appointment of his temporary successor, until he again assumes the duties of his office.

Sec. 6. *BONDS OF COMMISSIONERS*—No commissioner shall be deemed qualified for his office until he has filed his bond conditioned that he will faithfully and impartially perform the duties of his office or employment and the same has been approved by three disinterested taxpayers of the "City of Astoria," the said taxpayers to be appointed by the Judge of the Circuit Court in which said City is situate, and in his absence by the County Judge of Clatsop County, Oregon.

The Mayor Commissioner shall furnish a security bond in the sum of $15,000.

The two other Commissioners shall each furnish a security bond in the sum of $10,000.

A reasonable charge by a Surety Company for qualifying upon such bond shall, when approved by the Board, be paid by the City. The County Clerk or County Judge of Clatsop County, Oregon, shall be the custodian of said bonds, and said bonds shall be filed with either of said officers.

ARTICLE VI.

THE BOARD OF COMMISSIONERS.

The term "Board" whenever used in this Charter, shall be construed as the Board of Commissioners.

Sec. 1. *LEGISLATIVE POWERS*—The Board of Commissioners shall be vested with all the Legislative powers of the City, except as otherwise provided by the Charter.

Sec. 2. *PRESIDENT AND VICE-PRESIDENT OF THE BOARD*—The Mayor shall be President of the Board. The Board shall elect one of its number to be Vice-President, who during the absence or disability of the Mayor shall posses all the powers and perform all the duties of the Mayor Commissioner, provided that such powers shall not extend to the signing of checks and warrants while acting in the capacity of Mayor.

Sec. 3. *JUDGE OF THEIR ELECTIONS*—The Board shall be the judge of the election and qualifications of its own members, subject to review by the courts in case of contest.

Sec. 4. *RESTRICTIONS UPON MEMBERS OF THE BOARD*—No member of the Board shall hold any other public office or employment, compensation for which is paid out of the municipal moneys. No person shall be elected or appointed to any office, position or employment, the compensation of

which was increased or fixed by the Board while he was a member thereof, until after the expiration of one year from the date when he ceased to be a member of the Board.

No person appointed or elected to the Office of Commissioner shall be directly or indirectly pecuniarly interested in any common Carrier, Street Railway Corporation or other public service Corporation engaged in business within the City of Astoria or in or with any person or Corporation elsewhere in similar line or lines of business, or in or with any person or Corporation whatsoever, contracting with the City of Astoria.

Any person so interested shall be disqualified to hold office as Commissioner.

If any such Commissioner shall voluntarily became so interested while in office, his office shall become at once vacant.

If he shall become so interested otherwise than voluntarily, he shall within 90 days divest himself of such interest, and failing to do so, his office shall become at once vacant.

Any Contract with the City of Astoria in which any Commissioner is directly or indirectly interested, shall be wholly void and incapable of ratification, and no recovery shall be had thereon directly or upon quantum meruit, without respect to whether labor, services or material, or other things of value have been received and retained by the City of Astoria by virtue of any such Contract.

Sec. 5. *RULES OF THE BOARD*—The Board shall determine its own rules of procedure, may punish its members for disorderly conduct and may compel their attendance at Board meetings. It shall provide in said rules for penalties which shall be inflicted upon any of its members in case of misconduct or wilful neglect in the performance of the duties of his office without prejudice to the right of re-call by the people.

Sec. 6. *MEETINGS*—The Board shall prescribe the time and place of its meetings, and the manner in which special meetings thereof may be called. The City Clerk shall be the clerk of the Board and shall with the Mayor, sign and attest all ordinances and resolutions. A majority of all the members shall constitute a quorum to do business. The Board shall sit with open doors at all legislative sessions and shall keep a journal of its proceedings which shall be a public record.

Sec. 7. *ORDINANCES AND RESOLUTIONS*—At legislative sessions the Board shall act only by ordinance, resolution or motion.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of its proceedings; upon the request of any member, the ayes and noes shall be taken and recorded upon any motion. Every member when present must vote, and every ordinance or resolution shall require, on final passage, a majority vote.

Any Ordinance or Resolution may be introduced and passed at any one meeting of the Board, saving and excepting ordinances granting franchises, and except as otherwise provided in this Charter. All ordinances shall be read three times; provided, however, the Board may dispense with the second and third readings or the second or third reading of the same upon a majority vote of the members present. No ordinance making a grant of any franchise or privilege shall ever be passed as an emergency measure.

No ordinance shall be passed finally on the date it is introduced except in the case of public emergency, and then only when requested by the Mayor in writing and subject to the restrictions of the state laws, requiring three-fourths of votes. No ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

The enacting clause of all ordinances passed by the Board shall be in these words: "Be it ordained by the City of Astoria."

The Board of Commissioners may, in its discretion, cause any ordinance to be published in a daily newspaper of the city.

Sec. 8. *AMENDMENT OR REPEAL*—No ordinance or section thereof shall be amended or repealed except by ordinance regularly adopted in the manner provided in this Charter.

Sec. 9. *ORDINANCE GRANTING FRANCHISES*—All franchises are subject to the provisions of Article XIII, and must be submitted to a vote of the people.

Sec. 10. *RECORD OF ORDINANCE*—A true copy of every Ordinance shall be numbered and kept in a book marked "Ordinance Record" and authenticated by the signatures of the Mayor and City Clerk, and the ordinances initiated by the people shall be recorded in a separate book.

Sec. 11. *APPROVING OF ORDINANCES*—Upon the passage of any Ordinance it shall be attested by the City Clerk, and by him submitted to the Mayor Commissioner, and if the Mayor Commissioner approve the same he shall write upon it "Approved," and the date thereof, and sign it with his name and title. If the Mayor Commissioner shall fail, neglect or refuse to approve any such Ordinance within ten days from the time the same is passed, the same shall take effect as though approved, save and except as in this Charter otherwise provided.

Sec. 12. *PUBLICATION OF CHARTER AND ORDINANCES*—The Board shall, as speedily as possible as may be, and in any event within one year from the time of its organization under this Charter, and from time to time thereafter and not less than once in four years, cause all ordinances at such times in force to be classified under appropriate heads and to be published in book form, together with or separate from the Charter and such provisions of the Constitution and Laws of the State as the Board may deem expedient.

Sec. 13. *POWER TO CREATE OFFICES AND TO REMOVE*—The Board shall have power from time to time to

create, fill and discontinue offices, and employments other than therein prescribed, according to their judgment of the needs of the city, and may by majority vote of all the members remove any such officer or employee except as otherwise provided for in this act; and may by resolution or otherwise prescribe, limit or change the compensation of such officers or employees.

Sec. 14. *APPOINTMENTS TO OFFICES*—The Mayor appoints the heads of each department and all other employees in the service of the city, but only upon recommendation of the Commissioner of the appropriate Department. In case of disagreement between the Mayor and the head of any department, a majority vote of the three commissioners shall decide. In case of apointment to offices in his own department, the Mayor shall submit his appointments to the vote of the Board.

Sec. 15. *QUARTERLY STATEMENT* The Board shall cause to be printed quarterly in new-papers or pamphlet form, a statement of all receipts and expenditures of the city, and a short summary of its proceedings during the preceding months, and furnish printed copies thereof to the public library and to persons who shall apply therefor at the office of the Clerk.

Sec. 16. *LEASES AND SALES*—The Board shall have no power to make any lease of city property, the operation of which will extend over two years, nor shall it have any power to sell, abandon, grant or otherwise dispose of any right or title of the city the consideration of which shall exceed the sum of $2000. Nor shall the title to any water front wharf property, land under water and made lands, landings, wharves, streets, parks and other public places be alienated, without referring same to a vote of the people at a special or general municipal election.

ARTICLE VII.

THE MAYOR.

Sec. 1. *DUTIES, AUTHORITY, POWERS*—The Mayor Commissioner shall be the chief executive officer of the City, and President of the Board.

He shall take care that this Charter and the Ordinances of the City are duly enforced within the city and its jurisdiction. He may remit fines, costs, forfeitures and penalties imposed for the violation of any ordinance, but shall make a report of such remissions to the Board at the next meeting thereafter with his reasons therefor. He shall have power to administer oaths.

He shall sign all contracts, bonds or other instruments requiring the assent of the City and take care that the same are duly performed. All legal process against the City shall be served upon the Mayor or Acting Mayor, as per Sec. 2, Article VI.

He shall be charged with the general oversight of all departments, boards and commissions of the City.

He shall be ex-officio a member of each Board, Commission or Body created or authorized by this Charter, or by any ordinance of the City.

He shall have the right to vote on all questions coming before the Board.

He shall have power to appoint experts to examine the affairs of any officer or department of the City, whenever he shall deem it necessary.

He may require any officer or employee of the city to exhibit his books and papers. Failure or refusal to exhibit books or papers so required shall be ground for removal.

He shall have and exercise such powers, prerogratives and authority as are conferred by the provisions of this Charter, or as may be conferred upon him by the Board, or by the general laws of the State, not inconsistent with the general purposes and provisions of this Charter. He shall have no veto powers except as otherwise provided in Sec. 2, Article VII.

He shall, upon the recommendation of the Commissioner of the appropriate department, appoint such heads of departments, deputies, and principal assistants as may be created by this Charter or by ordinance as per Sec. 14, Article VI.

He shall employ for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least twice a year, the books, records, and reports of all officers and employees who receive or disburse City moneys, and the books, records and reports of such other officers and departments as the Mayor may direct and make triplicate reports thereof, and present one each to the Mayor and Vice-President and file one with the Clerk. Such accountant shall have unlimited privilge of investigation to examine under oath or otherwise, all officers, clerks and employees of the City, and every such officer and employe shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be ground for removal. The Board shall provide for the payment of the services of such accountant.

Sec. 2. *VETO POWER*—In ordinances making appropriations, the Mayor may veto any or every item therein, but such veto shall only extend to items so vetoed, and those which he approved shall become effective, and those which he disapproves shall not become effective unless passed over his veto by the vote of the other two commissioners within one month after the first vote.

ARTICLE VIII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

Sec. 1. *DISTRIBUTION*—The executive and administrative powers, authority and duties of the City, not otherwise herein provided for, shall be distributed among three departments, as per Sec. 1 & 2 and Article V.

Sec. 2. *BOARD ASSIGN DUTIES*—The Board shall determine and assign the duties of each Commissioner in his department; shall prescribe the duties of officers and employes; may assign particular officers and employes to one or more of the departments; may require an officer or employe to perform duties in two or more departments, and may make such other rules and regulations as may be deemed necessary or proper for the efficient and economical conduct of the business of the City.

Sec. 3. *BOARD MAY CHANGE DESIGNATION*—The Board may change such designation of departments by ordinance, whenever it shall determine that the public service requires such change.

Sec. 4. *POWERS OF COMMISSIONER*—The Commissioner for each of the departments shall have the supervision and control of all the affairs and property belonging to such department, except as otherwise provided in this Charter, or by ordinance, subject to such regulations as may be prescribed by the Board. He may employ, and discharge, or delegate to any subordinate, the power to employ and discharge day laborers and unskilled workmen.

Sec. 5. *OTHER POWERS AND DUTIES*—Said Commissioners shall have such other rights, powers and duties as may be provided by ordinance or resolution not in conflict with the provisions of this Charter.

Sec. 6. *OFFICE HOURS*—It shall be the duty of each

Commissioner to maintain regular hours at the City Hall, and he shall give his whole time and attention to and engage in the actual work of the city affairs during business hours. At all times when not engaged in office work, he shall take the active management and control as foreman and director of the affairs of his department, and shall be responsible for the full and complete discharge thereof.

Sec. 7. *PUBLICITY RECORDS AND REPORTS*—Each of said Commissioners shall keep a record book in which shall be recorded a brief but comprehensive record of all department affairs under his charge and make quarterly reports as provided in Sec. 15, Article VI, a synopsis thereof for publication. Each Commissioner shall also make and keep a complete inventory and permanent record of all the personal property of his department and what disposition, if any, has been made of the same.

Sec. 8. *NEWSPAPER AND PUBLICATION FEES*—All printing of any kind relating to publicity affairs or publications required or authorized by this Charter by general law or by any ordinance or resolution, to be made in any newspaper or otherwise, shall be paid for by the City at such rates as shall not in any event exceed the ordinary and regular advertising rates charged other advertisers. No bill shall be paid by the City for such advertising or printing in excess of the said usual business rates even though higher rates may be fixed by general law for other cities of the state. The Board shall annually let the public printing to the lowest and best bidder.

Sec. 9. *INVENTORY*—The Board shall prepare at the end of each fiscal year a full inventory of all real estate and personal property of the City, showing to date all improvements and increase of value of said real and personal property in each service. The operating expenses of the year must be balanced by a special account.

ARTICLE IX.

DEPARTMENT NO. 1.—PUBLIC AFFAIRS.

Sec. 1. The Mayor Commissioner shall have charge of all public affairs of the City which shall not be specially defined in this Charter and represent the city at large in all questions pertaining to its welfare.

FINANCE.

Sec. 2. *FISCAL YEAR*—The fiscal year of the City shall commence on the first day of July and end on the last day of June of each year.

Sec. 3. *PUBLIC MONEYS*—The Commissioner of Finance shall, under the power and control of the Board, have the direct management of the revenues of the city except as otherwise provided by this Charter, or by Ordinance.

The cash balance of the city shall be kept on deposit in each of the banks of the city without discrimination, and shall be deposited daily, provided however, the bank receiving such deposit shall have been established and doing business in said city for at least three years prior to such deposits and to the best judgement of the Board in the name of the "City of Astoria." Nothing herein shall prevent the Board from having part of such funds whenever advisable, invested in securities bearing interest, provided that said securities be limited to Government bonds, State and School bonds and City of Astoria improvement or water bonds, or invested in loans, guaranteed by same bonds. As to the funds deposited in banks, the Board must require a good and sufficient surety bond from each bank and provide for interest on daily balances.

No demand for money against the City shall be approved, allowed, audited or paid, unless it shall be in writing, dated, and sufficiently itemized to identify the expenditure and shall first

be audited by the Commissioner at the head of the department creating the same, and approved by the Board.

All payments shall be made either by checks or by warrants which shall be signed by the Mayor and one Commissioner, and countersigned by the City Clerk.

The Board shall, by ordinance, provide a system for the collection, custody, and disbursement of all public moneys with warrants, if necessary, and a system of accounting for the City, establishing as nearly as may be, a uniform system of municipal accounting, such system to be in accord with the provisions of this Charter.

Sec. 4. *SUPPLIES*—Each Commissioner shall procure all supplies needed by his department. Such requisition shall be in writing and duplicate kept of same by carbon copy. In case of emergency where the estimated cost exceeds Two Hundred ($200) Dollars, such requisition shall have the endorsement of one other commissioner. If no emergency exists, a requisition for supplies, the estimated cost of which is above One Hundred ($100) Dollars, shall first be approved by the Board. Whenever he considers it practical and advantageous, the Commissioner shall advertise by circular or otherwise for competitive proposals.

Sec. 5. *ADOPTION OF EXISTING LAW*—Until the Board shall otherwise by ordinance provide, the statutes of the State of Oregon, now or hereafter in force, shall govern the making of assessments by the Assessor of the County in which the City is situated, and making of equalization by the Board of County Commissioners of said County, and the collection of taxes by the tax collector of said county for and on behalf of the city, and also the certification and collection of all delinquent charges, assessments or taxes.

Sec. 6. *ANNUAL ESTIMATES OF PROBABLE EXPENSE*—On or before the first Monday in December of each year, the Commissioners and the appointed Board and appoint-

ed Commissions of the City, shall furnish to the Mayor, estimates in writing of the probable expense to be incurred in their several departments for the ensuing fiscal year, specifying in detail such probable expenditures, including a statement of the salaries of their subordinates. These statements shall include the amount required to meet the interest, sinking fund, and maturing bonds of the outstanding indebtedness of the City, and also an estimated statement of the amount of revenues from all sources, including tax levy.

Sec. 7. *ANNUAL BUDGET*—From such estimates the Mayor shall, on or before the first Monday in December of each year, and prior to the time for fixing the County tax levy, make a budget of the estimated amounts required to pay the expenses of conducting the business of the City Government for the next ensuing fiscal year. The Budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, Board or Commission, as the Board may deem advisable.

The Board shall on receipt of the Budget, consider and adopt the same with or without amendment. In amending, the Board may reduce or omit any item, but shall not increase any item nor the total of the budget nor add any item thereto nor originate a budget unless first referred back to the Commissioner, Board, or Commission from which the same originated.

The Board shall also in adopting the said Budget, estimate and declare the amount of money necessary to be raised by tax levy, taking into account the amounts available from other sources to meet the expenses of the City for the ensuing fiscal year, based on the budget so adopted. Said budget and estimate as finally adopted shall be signed by the Mayor and Clerk and kept on file.

Sec. 8. *APPROPRIATIONS*—Upon the basis of the budget as adopted and filed, the several sums shall forthwith be appropriated by ordinance to the several purposes therein nam-

ed for the ensuing fiscal year. Said ordinance shall be adopted not later than the thirty-first day of December in each year, and shall be entitled "The Annual Appropriation Ordinance."

Sec. 9. *LEVY*—The Board shall forthwith proceed to make by ordinance the proper levy in mills upon each dollar of the assessed valuation of all the taxable property within the city, such levy representing the amount of taxes for City purposes necessary to provide for all properly authorized demands upon the City and until the Board shall otherwise by ordinance provide; the Board shall thereupon cause the total levy to be certified by the City Clerk to the County Clerk.

The levy shall not exceed twenty mills upon the total valuation of said taxable property within the city for general municipal purposes and any special object or objects within the authority of this Board, including the payment of any existing debts; Provided that no indebtedness against said taxable property shall be deducted from said assessment. The foregoing limitation of twenty mills shall not apply to the interest, sinking fund or principal of any bonded indebtedness of the city for its water service, nor for any public services from which the city derives a revenue, nor to special assessments for local improvements for which the property benefited by, is liable, as provided in Section 2, Article X.

If the Board fail in any year to make said tax levy as above provided, then the rate last fixed shall be the rate fixed for the ensuing fiscal year.

The amount required to make payment of any interest, sinking fund or principal of bonded indebtedness, may be included in and met by tax levy, except as otherwise provided for in this Charter.

The taxing power shall be used for municipal purposes only, and no donations, subsidies, bonus other than for charit-

able and public library purposes shall be granted from the people's money.

Sec. 10. *NO LIABILITY WITHOUT APPROPRIATION*—Neither the Board nor any other officer or employe of the city shall have authority to make any contract involving the expenditure of public money, or impose upon the city any liability to pay money unless and until a definite amount of money shall have been appropriated for the liquidation of all pecuniary liability of the City under such contract or in consequence thereof to mature during the period covered by the appropriation. Such contract shall be "ab inito" null and void as to the City for any further liability. Provided, first that nothing herein contained shall prevent the Board from contracting liability for payment of any expense, the necessity of which is caused by any casualty, accident or unforseen contingency arising after the passage of the annual appropriation ordinance; Provided, that the total amount of such expense shall not exceed the sum of $10,000, during any one fiscal year. This section shall not apply to contracts or liabilities for the making of any improvements, the cost of which shall be assessed upon the property especially benefited by said improvement.

Sec. 11. *SPECIAL APPROPRIATIONS FOR* 1912—The Board shall, during the year 1912, pass such special appropriation ordinances as may be necessary to pay the salaries and defray the expenses of any and all departments, officers and employes of the City for the year 1912, and the checks or warrants for the payment of such salaries and expenses after being duly allowed and audited, may be drawn against such appropriation.

Sec. 12. *COLLECTION OF TAXES*—Until the Board shall otherwise by ordinance provide, the County Tax Collector shall collect City taxes in the same manner and at the same time as the State taxes are collected, and all laws of this State for the assessment of property and the levy and collection of general taxes, including laws for the sale of property for taxes

and the redemption of the same shall apply and have as full effect in respect of taxes for the City as of such general taxes, except as modified by this Charter.

Sec. 13. *LIMITATION OF CITY INDEBTEDNESS*—Except as otherwise in this Charter provided, no bonds shall be issued for any purpose, except in pursuance of an ordinance authorizing the same, which ordinance shall be irrepealable until the indebtedness therein provided for, and the bonds issued in pursuance thereof, shall have been fully paid, and no bonds except refunding bonds and bonds which may be issued under the Bancroft Bonding Act, shall be issued unless the question of issuing the bonds shall be submitted to the vote of such qualified electors of the City, as in this Charter set forth, and a majority of those voting upon the question by ballot shall vote in favor of issuing such bonds.

The city shall not become indebted for any purpose or in any manner, to an amount which indebtedness shall exceed the sum of $250,500, provided, however, that in determining the limitation of the City's power to incur indebtedness, there shall not be included bonds issued for the acquisition, construction or repair of water, light or other public utilities, works or ways from which the city does or will derive a revenue, nor any special assessments for improvements of streets, sewers, etc., for which the property specially benefited thereby shall be responsible as provided in Sec. 2, Article X, nor to bonds issued under what is known as the Bancroft Bonding Act, nor to refunding bonds.

Sec. 14. *BOND ELECTION*—Whenever the City of Astoria shall contemplate the issuance of bonds for any improvement under this Charter, save and except refunding bonds and bonds issued or which may be issued under the Bancroft Bonding Acting, the Board of Commissioners shall by ordinance, direct the manner in which the estimate of the cost of such improvement shall be ascertained, and such estimate shall be filed with the City Clerk, and before any indebtedness shall be

incurred, the said Board shall cause the question of the issuance of the said bonds to be submitted to a vote of the legal voters of the City of Astoria, at a special election called by the said Board for that purpose, to be held after the same notice and in the same manner, and under similar rules as a city election shall be held, and each person who shall vote for or against incurring such indebtedness above mentioned, shall have written or printed upon his ticket, if voting for such indebtedness "For Indebtedness, Yes," if against such indebtedness "For Indebtedness, No," and if at such election a majority of the legal votes cast shall be in favor of incurring such indebtedness for the purpose of improvement, then such indebtedness to the amount of the estimated cost, as submitted to the voters, may be incurred and not otherwise. And provided further, at such times thereafter as the said Board may determine, should it be determined to incur any indebtedness thereunder, it shall be the duty of the Mayor Commissioner to procure blank bonds of suitable design, and cause the same to be properly filled in, in amounts of not less than One Hundred ($100) Dollars, made payable within a period not to exceed twenty years, and shall not be sold for less than their par value, or otherwise than for cash. Interest may, in the discretion of the said Board, be paid semi-annually. Said bonds shall be placed in the hands of the Mayor Commissioner of the City of Astoria, who shall keep a register in which shall be entered by him the number and amount of each of such bonds, the date of issuance thereof, and the name of the person to whom issued. Each of said bonds shall be signed by the Mayor Commissioner and at least one of the other Commissioners, with their names of office, and the Board shall also provide for the payment of the expenses of making any estimates thereunder, and the Board shall direct the time and manner in which all improvements thereunder shall be made. And provided further, at all special elections for the purpose of creating any indebtedness provided for under this section, all persons over the age of twenty-one years, who are not aliens, and who are residents of the State of Oregon, and who have resided within the corporate limits of the City of Astoria for at least twelve

months, next preceding such election, shall be entitled to vote at such special election and not otherwise.

Sec. 15. *REFUNDING BONDS*—For the purpose of funding any bonded indebtedness of the City of Astoria, the City of Astoria is authorized and empowered to issue and dispose of bonds of the City of denominations of from One Hundred to One Thousand Dollars, as the purchaser may desire, under the seal of the City of Astoria, with the interest coupons attached thereto—with the signatures of the Mayor Commissioner and at least one of the other Commissioners written thereon and having attached thereto the seal of said City of Astoria, whereby the City shall be held and considered in substance and effect to undertake and promise, in consideration of the premises to pay to the bearer of each of said bonds, at the expiration of not more than twenty years from the date thereof, the sum named therein in gold coin of the United States together with the interest thereon in like coin, at a rate not greater than Five per cent per annum (the rate of interest to be fixed by the Board), payable half yearly, as provided in said coupons. Before such refunding bonds can be sold, the Board shall cause to be inserted for two weeks, in a newspaper published in the City of Astoria, and at least one paper in New York City making a specialty of such matter, an advertisement inviting sealed bids for the purchase of said refunding bonds. Such refunding bonds shall be sold only to the highest bidder for cash, and shall not be sold for less than their par value; provided, all conditions being equal, the bids of citizens of Astoria shall have perference over those from other localities. All bonds issued and disposed of under this provision shall be exempt from taxation either by this State, or by any County or municipal corporation therein.

Sec. 15. *SINKING FUND*—The Board of Commissioners shall provide in each department of the City for a sinking fund to redeem all existing indebtedness, including the water bonds. Said sinking fund not to exceed five per cent per annum of the original bond issues. Said sinking funds shall be invest-

ed as much as possible in loans or securities as provided in Sec. 3, Article IX.

POLICE AND POUND.

Sec. 16. *BOARD ESTABLISHED*—The Board shall by ordinance, provide for the establishment and maintenance of a Police Department and Pound, consisting of such employes as it may deem necessary.

This department shall be under the supervision of the Mayor.

MUNICIPAL COURT.

Sec. 17. *ESTABLISHMENT*—There is hereby established within the City of Astoria, a Municipal Court, and the City Clerk shall be by virtue of his office, Municipal Judge, and shall act as such, assisted by the Attorney whenever necessary. And in case of the absence of the City Clerk, the Board shall appoint some suitable person to act and serve as Municipal Judge.

Sec. 18. *JURISDICTION*—Said Municipal Court shall have original jurisdiction to hear, try and determine all charges of misdemeanors as declared by this Charter and all causes arising under any of the ordinances of the City for the violation thereof, and any actions, civil or criminal, over which a Police Judge may at any time have jurisdiction by virtue of the general laws of the State. There shall be no trial by jury and there shall be no change of venue from said Court.

PUBLIC BUILDINGS.

Sec. 19. The Mayor shall have the supervision and con-

trol of all the public buildings, including the Library, except as otherwise provided for by this Charter or by Ordinance.

There shall be appointed in the manner provided in this Charter all such assistants and employes as may be or become necessary to the efficient administration of this department of the City's government.

Sec. 20. *INSPECTION OF PLACES OF AMUSEMENT* —Whenever the Board grants any license or authorization to the owner or lessee of any theatre, show, circus, or buildings erected or occupied for amusements or gatherings of the public, said license or authorization shall be given subject to an inspection as to the safety of such buildings or places of gatherings made by the Commissioner of Buildings or his deputy. The Mayor shall enforce this section.

PARKS AND LIBRARY.

Sec. 21. The Mayor shall have the supervision and control of the parking and shade trees of the City and all matters referring to Parks and Library and subject to the provisions of the Laws of the State which provide for a Park Commission of which he is Ex-Officio President, and for a Library Board.

GENERAL SUPERVISION.

Sec. 22. The Mayor shall have general supervision of all other officers and affairs not now defined.

ARTICLE X.

DEPARTMENT NO. 2—HIGHWAYS AND SEWERS.

Sec. 1. The Commissioner of Dept. No 2 shall have the

supervision and control of all streets, highways, lanes, alleys, municipal works, sewers, drains, lighting and all other improvements concerning the same, except buildings and as otherwise provided in this Charter or by ordinance.

There shall be appointed in the manner provided in this Charter, all such assistants and employes as may be or become necessary to the efficient administration of this department of the City's government.

Sec. 2. *IMPROVEMENTS AND ASSESSMENTS*—The term "street" as used in this Charter shall be construed to mean any street, avenue, boulevard, alley, lane or thoroughfare, which is now or may hereafter be opened, established or dedicated to public use.

2. (a) The term "improve" or improvement" as used in this article, shall be construed to mean and include any and all grading, paving and all manner of public improvements of similar kind or nature, and including sewers, storm sewers, the changing, establishing, vacating or opening, laying out, widening, altering, extending, or closing of any street, lane, alley or boulevard.

2. (b) The Board of Commissioners whenever it may deem it expedient or necessary that any improvement be made, is hereby authorized and empowered to order and cause such improvement or improvements to be made to determine the kinds, character and extent thereof; to levy and collect assessments upon all lots and parcels of land specially benefited by such improvement, to defray the whole or any portion of the cost and expense thereof, and to determine what land or lots or parts thereof are specially benefited by such improvement, and the amount to which each lot or parcel of land is so benefited, and to fix and determine the district upon which such assessment shall be levied.

2. (c) The procedure in ordering and carrying to com-

pletion any and all improvements, the cost of which shall be assessed against the property benefited thereby and the manner of collecting assessments, shall be determined by the Board of Commissioners, except as herein otherwise provided: Provided, however, that not less than ten days prior to the commencement of construction of any proposed improvement for the cost of which any special assessment shall be levied, said Board shall cause notice of such proposed improvement to be published for a period of not less than five days in a daily newspaper in said City of Astoria, which notice shall substantially describe the proposed improvement, the extent thereof, the probable total cost as theretofore estimated, and a description of the lots or parcels of land or assessment district to be effected thereby. Any irregularity, misprint, or like mistake happening through inadvertence and not of itself operating to any material or substantial injury of any one, shall not invalidate any such procedure.

2. (d) Within ten days after the first publication of such notice, the owners of the property to be affected by such improvement may file in the office of the Clerk written objections or remonstrances against said proposed improvement, which objections shall be considered and determined by said Board, and if such remonstrance is not filed within said time by the owners of more than three-fourths in area of the property within such assessment district, all proceedings therein shall be deemed conclusively due and regular, and said Board shall be deemed to have acquired jurisdiction, with power to complete said improvement and to levy and collect the assessment for the cost and expenses thereof; and if such remonstrance shall be so filed by the owners of three fourths or more of such property, such improvement shall not be made at the expense of the lots or parcels of land to be assessed for the cost of said improvement. If such remonstrance shall be filed as aforesaid, the same shall be bar to any further proceedings in the making of said improvement for a period of four months, unless the owners of one-half or more of the property affected as aforesaid shall subsequently petition therefor; Provided,

however, that where the proposed improvement is the construction or repair of any sewer or drain, the Board may by unanimous vote order the construction or repair of such sewer ordrain notwithstanding such remonstrance.

2. (e) There shall be also created a docket of city liens.

2. (f) Whenever an improvement the cost of which is to be assessed upon the property specially benefited thereby is completed to the satisfaction of the Commissioner in charge thereof, said Board of Commissioners shall apportion the cost and expenses of such improvement in accordance with the special benefits derived by each lot or parcel of land, and shall set a time for hearing and determining the acceptance of the work and the levying of such assessment, and shall cause notice to be given by publication in a newspaper in the City of Astoria at least five days, which notice shall state the approximate total cost of the entire improvement, and the amount of the assessment, proposed to be made on each lot or parcel of land, describing the same, and the time when hearing thereon and the acceptance of said improvement will be heard by the Board. After the first publication of such notice, and until the date of such hearing, the owner of the property affected by such assessment may file objections, and may be present at such hearing and present such objections. The Board may, whenever it deems it expedient, provide for other notice to be given, provided, however, that notice by publication as aforesaid shall be deemed due and legal notice.

After the time specified by said notice has elapsed, the Board shall consider said proposed assessment and acceptance, and all objections made thereto, and shall have power at its discretion and without further notice to consider, ascertain and determine the same and the amount of the special and peculiar benefits accruing to each lot or parcel of land so assessed by reason of such improvement and shall declare the same by Ordinance.

Each lot or part thereof, or parcel of land shall be deemed to be benefited by such improvement to the full amount of the assessment levied thereon.

2. (g) No assessment shall be held invalid by reason of failure to enter the name of the owner of any lot, part thereof or parcel of land so assessed, or by any mistake in the name of the owner, or the entry of a name other than the name of the owner in such assessment, or in any act or proceeding connected therewith, and no delay, mistake, error or irregularity in any act or proceeding in the improvement shall impair or invalidate any final assessment, but the same may be remedied by subsequent or amended acts or proceedings.

2. (h) Whenever any assessment for any improvement has been or may be set aside, annulled, or rendered void, or its enforcement refused by any Court of competent jurisdiction, or whenever the Board may be in doubt as to the validity of any such assessment, the Board shall have and are hereby granted the power to re-apportion the costs and expenses of any such improvement and to re-assess the property benefited by such improvement.

2. (i) From the date of entry of any assessment in said Docket of City Liens, the sum as therein entered is hereby declared to be a tax levied and a lien upon the lot or parts thereof or tract of land therein set forth, and said lien shall have priority over all other liens and incumberances whatsoever thereon, and the sum or sums assessed for any local improvement entered upon such lien docket shall be due and payable from the date of such entry, and if not paid or bonded as provided by law, within ten days from the date of such entry the same shall thereafter be deemed delinquent, and shall bear interest at the rate of six per cent per annum.

2. (j) The Board of Commissioners are hereby empowered and authorized to enforce payment or collection of any and all assessments or taxes levied under the provisions of

this Charter; and except as herein otherwise provided, said Board shall provide the procedure, means and manner of enforcing payment or collection of such assessment or taxes.

2. (k) When any assessment upon any lot or part thereof or parcel of land becomes delinquent, any person having any valid lien thereon may at any time before sale of such lot or part thereof, or tract of land, pay the same, and such payment shall discharge the property from the effect of such assessment, and all accruing costs and charges, if any when so paid, are thereafter to be deemed a part of such creditor's lien, whether the same be by judgment, decree, mortgage or otherwise, and shall bear interest and be enforced and collected as a part thereof.

2. (l) The Board of Commissioners shall have power to order or provide for the sale of any property for any unpaid assessment or tax. In case of sale, each lot or parcel of land shall be sold separately, and for a sum not less than the unpaid assessment thereon, and the interest and cost of advertising and sale, and where there shall be more than one bid, the land shall be sold to the bidder offering to take the same for the least amount of penalty and interest. A sale of real property under the provisions of this Charter conveys to the purchaser, subject to redemption, all estates, interests, liens or claims therein or thereto, of any person or persons whomsoever, together with all rights and appurtenances thereunto belonging. No levy upon such lot or parcel of land shall be required, except that a notice shall be posted four weeks before such sale upon every lot or parcel of land when the assessment is to an unknown owner.

2. (m) All unpaid assessments for any one improvement may be included in one advertisement and notice of sale.

2. (n) The Board shall provide for the manner of keeping due and correct record of all such sales and the names of

purchasers and the manner of issuing certificate of purchase and the form thereof.

2. (o) All sales for or to satisfy any delinquent assessment must be sold for lawful money of the United States. In case any property remain unsold upon any sale, the same may again, at the discretion of the Board, be offered for sale.

2. (p) The owner or his legal representatives or successors in interest, or any person having a lien by judgment, decree, mortgage or owner of any tax lien upon any property so sold, may redeem the same upon conditions provided as follows: Redemption of any real property sold for delinquent assessment may be made at any time within three years from the date of the certificate of sale by paying to the officer appointed for that purpose by the Board, the purchase price, and ten per cent thereof as penalty, and interest on the purchase price at the rate of six per cent per annum from the date of such certificate.

When redemption shall be made by the holder of a tax lien, he shall have the right to have such redemption noted upon the record of his lien. Provided however, that if redemption is made within three months from the date of sale, the penalty to be paid shall be five per cent. Such redemption shall discharge the property so sold from the effect of such sale, and if made by a lien creditor, the amount paid for the redemption shall thereafter be deemed a part of his lien, and shall bear like interest and may be enforced and collected as a part thereof.

2. (q) After the expiration of three years from the date of such certificate of purchase, if no redemption shall have been made, the Board of Commissioners shall execute to the purchaser, his heirs or assigns, a deed of conveyance, containing a description of the property sold, the date of the sale, a statement of the amount bid, of the improvement for which the assessment was made, of the year in which the assessment

was levied, that the assessment or tax was unpaid at the time of the sale and no redemption has been made, and such deed shall not need to contain any further recital of the proceedings prior to the sale. The effect of such deed shall be to convey to the grantee therein named the legal and equitable title in fee simple to the property in such deed described, and such deed shall be prima facia evidence of title in such grantee, and that all proceedings and acts necessary to make such deed in all respects good and valid have been made and done, and such prima facia evidence shall not be disputed or overcome or rebutted or the effect thereof avoided except by satisfactory proof of either.

2. 1. Fraud in making the assessment or in the collection of the tax.

2. 2. Payment of the assessment or tax before the sale, or redemption after the sale; or

2. 3. That payment or redemption was prevented by fraud of the purchaser; or,

2. 4. That the property was sold for an assessment or tax for which neither said property nor the owner thereof at the time of the sale was liable, and that no part of the assessment or tax was assessed or levied upon the property sold.

2. (r) Every action, suit or proceeding which may be commenced for the recovery of land which shall have been sold for an assessment of tax, or to be quiet title of the former owner; or his successors in interest, against such sale or to remove the cloud thereof (except in cases where the assessment or tax for which the land has been sold was paid before the sale, or the land redeemed as provided by law) shall be commenced within three years from the time of recording of the deed, and not thereafter; and in any such action, suit or proceeding, the party claiming to be the owner, as against the party claiming under such sale, must tender with his first pleading the amount of

the purchase price for which the land was sold by said City, together with penalties prescribed by law in such cases, and all taxes and assessments levied and made against or upon the land or any part thereof, which shall have been paid after such sale by the purchaser at such sale, or his heirs or assigns, together with interest thereon at the rate of six per cent per annum from the respective times of the payment of such purchase price, taxes and assessments by such purchaser, or his heirs or assigns, up to the time of filing such pleadings to be paid such purchaser, his heirs or assigns, in case the right or title of such purchaser at such sale shall fail in such action, suit or proceeding.

2. (s) Neither the City of Astoria nor any officer thereof, shall be liable for any portion of the costs or expenses of any street work or improvement, or the construction or repair of any sewer or drain which is assessed upon the property benefited thereby, by reason of inability of said city to collect assessments levied for the payment of such work, but the contractor doing such work shall be required to rely solely upon the funds accruing from the property benefited, assessed, and liable therefor; and the contractor shall not require or compel said City by any legal process or otherwise to pay the same out of any fund, except in cases where for any reason, such assessment shall be invalid.

Sec. 3. *BANCROFT ACT*—The owners of the property specially assessed may take advantage of the provisions of the Bancroft Act of the State Laws for the payment of said assessments, and bonds will be issued by the City in payment of same.

Sec. 4. *SIDEWALKS*—It is hereby made the duty of all owners of land adjoining any street in the City of Astoria, to construct, reconstruct, and maintain in good repair the side walks in front of said land. The Board shall have power and authority to determine by ordinance the grade and width of all side walks, the material to be used, and the specifications for the

construction therefor, upon any street or part thereof, or within any district in said City.

If the owner, agent, or occupant of any such lot or part thereof, or parcel of land, shall fail, neglect, or refuse to construct or make the sidewalk repairs within the time prescribed, the Street Commissioner shall make the same, and keep an accurate account of the cost of the labor and material in constructing or making the repair in front of each lot, or parcel of land, and a description of the lot, or part thereof, or parcel of land fronting upon the side walk upon which said repairs are made, and shall report the same to the Board. Immediately thereafter, the Board shall by ordinance assess upon each of the lots, or parts thereof, or parcels of land fronting upon side walks which have been so repaired or constructed, the cost of making such and ten per cent additional to defray the cost of notice, engineering and advertising, and the same shall be entered upon the docket of city liens and collected in the same manner as is provided for special assessments for street improvements.

Sec. 5. *SIDEWALKS. LIABILITY*—It is not only the duty of all owners of land within the City to keep in repair all sidewalks constructed or existing in front of, along, or abutting upon their respective lots, or part thereof, and parcels of land, but such owners are hereby declared to be liable for all damages to whomsoever resulting, arising from their fault or negligence in failing to put any such sidewalks in repair, and no action, shall be maintained against City of Astoria by any person injured through or by means of, any defect in any sidewalk.

Sec. 6. *STREET, ETC. CITY IS NOT LIABLE*—The City of Astoria shall not be liable for damage or loss to persons or property by reason of the condition of any sidewalk, street, avenue, lane, alley, defective sewer or bridge.

ARTICLE XI.

DEPARTMENT NO. 3. WATER, FIRE, SANITARY, WHARVES AND WATER FRONTAGE.

Sec. 1. *DEPARTMENT IN ENTITY*—The Department of Water, Fire, Wharves and Water Frontage and Sanitary, shall embrace all property rights and obligations of the City in respect to water and water works and shall as far as practical, be administered as an entity. All contracts, records and muniments of title pertaining thereto shall be assembled and carefully preserved, and accounts shall be kept of its assets, liabilities, receipts and disbursements, separate and distinct from the accounts of any other department.

Sec. 2. *ADMINISTRATION OF WATER DEPARTMENT*—The Commissioner of Water is charged with the administration of said department. He shall take care that the water supply of the City is preserved from impairment or pollution and seasonably augmented so as to insure at all times a supply of suitable water adequate for the growing needs of the City. To that end he shall cause comparative investigation to be made of all available reservoir sites and sources of such water supply and report thereon to the Board with his recommendations. He shall also prepare and submit to the Board measures for the storage and augmenting of the City's supply of water. He shall cause adequate water measurements and tests to be made and record thereof preserved.

Sec. 3. *RATES AND FINES*—The Commissioner shall, with the approval of the Board, expressed by resolution, fix uniform rates and establish regulations for the use of water by consumers and regulations for the orderly administration of the department. The Board shall by ordinance impose fines and penalties for the violation of any of said regulations.

Sec. 4. *REPORTS AND BOOKS*—The Commissioner shall keep such books of account as are required by Sec. 1,

Article XI, make an annual report of all the assets and liabilities, receipts and expenditures of his department, including cost of maintenance, extension and improvement. He shall provide for payments into a sinking fund as per Sec. 15—a, Article IX.

FIRE.

Sec. 5. *COMMISSIONER HAVE SUPERVISION*—The Commissioner of Department No. 3 shall have the supervision of Fire Department consisting of such employes as he may deem necessary under the control of the Board. The Board shall by ordinance provide for the establishment and maintenance of the Fire Department.

SANITARY.

Sec. 6. *ASSISTANT AND EMPLOYES*—The Commissioner of Department No. 3 shall have the supervision of this department. There shall be appointed as provided per Sec. 7, Article XI, a health officer and whenever necessary a plumbing and building inspector, and all such assistants and employes as are necessary to the efficient administration of this department.

Sec. 7. *QUALIFICATIONS OF HEALTH OFFICER*—The Health Officer shall be a graduate of a reputable medical college and shall have practiced medicine and been a resident of this City for at least two years next preceding his appointment. He shall be licensed to practice medicine in this State. Such Health Officer shall devote such time as is necessary to the duties of the department.

Sec. 8. *POWER OF ARREST*—The Commissioner and Health Officer and all salaried employes of the Department of Health, shall have the right and power to arrest any person or

persons who may violate any of the rules or regulations of the Department.

Sec. 9. *DUTY OF PHYSICIANS AND HOUSEHOLDERS*—Every physician in the City shall promptly report in writing to said Department every patient whom he shall have sick of any infectious, contagious or communicable disease dangerous to public health; and every householder, upon reasonable notice from said Department, that an occupant of his or her household is suffering from any infectious, contagious or communicable disease, dangerous to the public health, shall forthwith adopt such preventive means and regulations as said department shall prescribe. Every physician who shall fail to report such cases of sickness as required herein, and every householder who shall fail to comply with the rules, requirements and regulations of said department, shall be subject to such fines and penalties as the Board may by ordinance prescribe.

Sec. 10. *REGULATIONS*—The Board shall make all ordinances and regulations which may be necessary or expedient for the preservation of the public health and the suppression of disease.

Sec. 11. In order to protect the health of the inhabitants of the City of Astoria, and to prevent the noisome disease breeding stenches that arise from the tide flats, it is deemed necessary and proper that the tide land, mud flats and overflowed lands within the City be reclaimed by filling in the same to and above the high tide land and that bulk-heads and retaining walls be constructed within the City at such place or places as may seem proper or convenient for the purpose of retaining and holding such fills as the same shall from time to time be made or constructed, and that the power and authority given to the City of Astoria by this amendment to its Charter, including the construction of all necessary bulk-heads and retaining walls and fills, and the issue and sale of all bonds to defray the expenses thereof, and the establishment of improve-

ment districts and letting and supervision of all contracts for reclaiming and filling in all or any portion of the tide-flats, mud-flats or overflowed lands of the City, and making the assessments to defray the costs and expenses thereof, and issuing and selling bonds to pay the contractors for such filling where the property owners avail themselves of the privilege of paying their assessments in installments, and all other acts necessary and proper to be done in carrying out the provisions of this act, except where herein otherwise specially provided, shall be exercised and performed as hereinafter provided by the Board of Commissioners. The Board shall have power and authority to employ and hire and discharge at pleasure, and to fix the compensation of an engineer and such other inspectors, workmen, laborers and servants as it may deem necessary and convenient for the accomplishment of the purposes of this act.

Sec. 12. The City of Astoria is hereby authorized and empowered to construct, keep and maintain bulk-heads or retaining walls in, upon, over, along, under, across or on any way of the streets, alleys or highways of the City of Astoria that are now laid out and established, or that may be hereafter laid out or established or secured either by dedication or condemnation, or otherwise, and to construct and maintain the same upon any right of way therefor hereafter secured either by purchase, dedication or condemnation or in any other manner, which said bulk-heads or retaining walls shall be of such length, dimensions, kind or character, and constructed at such place or places as the Board shall from time to time determine and designate at and below the extreme high tide line on the shore or water frontage of the Columbia river above or below low tide within the City and for the purpose of constructing such retaining walls or bulk-heads the City may acquire by purchase or condemnation or otherwise, such rights of way as in the judgment of the Board may be necessary or convenient for the construction and maintenance of the same.

Said Board shall have power and authority at any regular meeting thereof to levy a tax not exceeding five mills on the

dollar in any one year upon the taxable property of the city which said tax shall be levied by resolution as any other city taxes, and such taxes shall be included in the general levy of taxes for that year and as made by the Board of Commissioners, which tax shall be collected at the same time and in the same manner as other taxes of the City of Astoria are collected, and shall be used exclusively for the purpose of defraying the expenses of constructing such bulk-heads and retaining walls and paying interest on bonds issued for that purpose, and for retiring or redeeming such bonds and in paying salaries of officers, servants, and employes and the general incidental expenses of the said town. And to defray the costs and expenses of constructing said bulk-heads or retaining walls, said Board may also from time to time as required, issue and sell negotiable bonds of the City of Astoria, running for a period of not less than forty years, the aggregate amount of which bonds for the construction of such bulk-heads or retaining walls shall not exceed the sum of $300,000.00. All bonds issued and sold to raise funds for the construction of bulk-heads or retaining walls shall provide that the same may be recalled and paid at the option of the City at par at any time after the expiration of ten years from the date of issuance of the same. Provided that nothing herein contained shall be construed to limit or restrict the amount of twenty year bonds that may be issued and sold from time to time to defray the costs and expense of filling in the tide lands, mud flats and overflowed lands where the owners of property assessed to defray the expense thereof shall avail themselves of the privilege of paying assessments in ten equal installments as hereinafter provided; it being the expressed intention of this act that the costs and expenses of constructing the bulk-heads shall be defrayed by general taxation or the issue and sale of bonds, but the costs and expenses of filling in and reclaiming the tide lands, mud flats and overflowed lands shall be by local special assessments levied upon each lot or parcel of land or tract of water frontage filled in according to the benefits resulting from the filling in and reclaiming of the same including the filling in of the abutting streets and alleys. All bonds issued under this act

shall bear such rate of interest as may be determined upon by the Board, not exceeding 5 per cent per annum and all bonds issued to pay for filling in or reclaiming the tide lands, mud flats and overflowed lands on account of persons owning property assessed for that purpose availing themselves of paying assessments in installments, shall provide that the same shall be redeemable at the option of the City at par with the accrued interest at any time after the expiration of two years from the date of issue, and all bonds shall be signed as provided in this Charter, and the full faith and credit of the City of Astoria shall be pledged to the payment of all bonds issued under this provision.

No part of the expense of filling in or reclaiming any of the tide lands, overflowed lands, mud flats or water frontage including the streets of any reclamation district (excepting the retaining walls or bulk-heads) shall be paid from general taxation, but the whole expense of filling in and reclaiming such tide lands, mud flats, or water frontage in any district including the streets, and street crossings and alleys thereof shall be defrayed by special assessment upon the lots, lands and premises inclusive of water frontage included within the special assessment district to be constituted of the lands so filled in and benefited by the improvement, and the contract for any such improvement shall provide that the contractor shall look exclusively to such assessments and the funds to be derived therefrom for payment for constructing the same, except whenever any of the owners of the land assessed for such improvement shall ask for the privilege of paying his assessment in ten installments as hereinafter provided, the Board for and on behalf of the City of Astoria shall have power and authority to issue and dispose of negotiable bonds of the City of Astoria from time to time, equal in amount at the par value thereof to the amount remaining due the City of Astoria on account of such persons so assessed having availed themselves of the privilege of paying such assessments in installments, and said bonds shall be payable twenty years from date of issue and draw interest at such rate as the Board shall determine not ex-

ceeding five per cent per annum, payable annually, and shall provide that the same may be called at any time after two years from date of issue at par plus the accrued interest, and all moneys paid to the Treasurer of the Board on account of installments of such assessments shall immediately be used in retiring such bonds.

Such bonds may be issued and sold at par direct to the contractor executing the work. The aggregate amount of such twenty year bonds so issued on account of installments shall not exceed $500,000.00 at any one time and such bonds as well as the bonds issued to secure funds for constructing bulk-heads or retaining walls shall not be taken into computation in ascertaining the limit of indebtedness of the City mentioned in Section 13, Article IX, of the Charter of the City of Astoria. When the expenses of any fill shall be assessed against any lands belonging to the City or used for public buildings or public grounds and exempt by law from such assessments, the amount of such assessments shall be paid by the Board to the Treasurer of the Board by warrant on the Treasurer of the City of Astoria, payable out of the general fund.

Sec. 13. In case the Board shall at any time desire to acquire any real property or water frontage within the City for a right of way upon or over any land or lands or water frontage to construct or maintain any bulk-head or retaining wall across or upon such land or lands or water frontage, it may maintain an action in the Circuit Court of the State of Oregon for Clatsop County against the owner or owners thereof for that purpose and it shall not be necessary in order to maintain any such action to submit any question to a vote of the taxpayers, inhabitants or voters of the City; or in case the Board shall find that it has been unable to agree with the owner or owners of property desired for said purpose as to the amount to be paid for the appropriation thereof, the said Board shall by Ordinance direct an action or actions to be instituted in the name of the City of Astoria in the Circuit Court of the State of Oregon for Clatsop County to condemn and

appropriate to the use of such City such right of way, and it shall not be necessary in order to maintain any such action to submit any question to a vote of the taxpayers, inhabitants or voters of the City, and such action shall be commenced and prosecuted in the manner prescribed by the general laws of the State of Oregon, providing and regulating the mode of proceedings to appropriate land by private corporations.

Sec. 14. No contract for the construction of any bulk-head or retaining wall shall be let or entered into by the Board until plans and specifications for the same and a complete and detailed estimate of the costs thereof shall have been made and filed with the Board and approved by a resolution thereof, in which resolution said Board shall specify and provide the time and manner of constructing and completing the proposed improvement and all necessary matters relating to the execution and inspection and approval of the work and the time and manner of the payment of the contractor therefor. All contracts shall be let to the lowest responsible bidder after advertisement for bids published at least thirty days in a daily newspaper printed and published in the City of Astoria, and no contract for any bulk-head or retaining wall shall be let at a price exceeding the estimated cost thereof. The Board shall provide for rejecting any and all bids and the contractor entering into any contract for the construction of any bulk-head or retaining wall shall be required to give bonds with one or more sufficient sureties in such sum as the Board may determine conditions for the faithful performance of the contract and the contractor will pay all persons supplying labor or material in the performance of the same upon which bonds any person or persons supplying labor or material shall have a right to bring action against such principal and surety or sureties in the name of the City of Astoria.

Sec. 15. Whenever the Board shall consider it necessary to fill in or reclaim any of the tide lands, mud flats, overflowed lands or water frontage in the City of Astoria in order to protect the health of the inhabitants of said City, the City of

Astoria is hereby given power and authority to fill in or reclaim any of the tide lands, mud flats, overflowed lands, and water frontage and the abutting streets within the said City of Astoria to such depth or level as said Board shall deem proper including all streets, alleys, parks, squares, lots, blocks, tracts, parcels of real estate and water frontage north of or below the extreme high tide line or north of any street next south of said line or between the extreme high tide line or any street next south thereof and the United States Bulk-head line and may establish and lay out reclamation districts and provide for filling in such districts as said Board shall from time to time consider necessary and proper, and defray the costs and expenses thereof by levying special assessments upon the lots, lands and premises including the water frontage, franchise, right of way and easements within each district so reclaimed according to the benefits resulting to each lot, tract or parcel of land, tract of water frontage, right of way, franchise or easement within the district from the filling of the same or reclamation of the same, including the costs and expenses of filling in the streets and intersections thereof within the district so reclaimed and each lot, tract or parcel of land, including water frontage, right of way or franchise in each district shall be assessed such proportion of the entire costs and expenses of making the fill including the filling of the streets and alleys as the benefits resulting to such lot, tract or parcel of land, water frontage, right of way or franchise is proportionate to the benefit resulting to all such property from the improvement of such district. And provided further that any and all streets within any reclamation district may be filled in to the same level or grade that the lots, blocks, tracts of land or water frontage in or to the full established grade or such street or streets or to such depth or level below the established grade as the Board shall deem proper or advantageous; and provided further that whenever the boundary of any such district to be filled in shall be the line of any street which is to be filled in whole or in part as of the improvement of the district the lots, lands and premises including water frontage abutting upon or adjacent to and especially benefited by the filling in

of such street or portion thereof may be included within the special assessment district and be assessed for its proportion of the cost of filling in such street according to the benefits resulting therefrom, although such street according to the benefits resulting therefrom, although such lots, lands or premises or water frontage be not within the district to be filled in or reclaimed.

Sec. 16. Whenever the Board shall deem it necessary in order to protect the health of the inhabitants of any portion of the City to fill in and reclaim any portion of the tide lands, mud flats, overflowed lands or water frontage of the City and to defray the cost thereof by special assessment, they shall so declare the fact, and their determination or intention to reclaim or fill the same by resoultion stating in general terms the nature and character of the fill and the elevation or level of the same including that of the street or streets to be filled and shall designate and describe the district to be filled in and reclaimed and the district upon which the special assessment shall be levied to defray the costs and expenses thereof; and shall cause estimates of the expenses thereof and specifications for the proposed improvement to be made and filed with the City Clerk. It shall be sufficient to describe in general terms the nature and character of the fill and the elevation and level thereof including the elevation or level to which the streets are to be filled. Such resolution shall direct the City Clerk upon the estimate of the costs and expenses thereof and specifications for the proposed improvement being filed with him, to cause notice of the intention of the Board to cause such fill to be made to be given by publication in a daily newspaper published in the City of Astoria, which notice shall contain a statement of the improvement to be made in general terms and a statement of the district to be filled in and to be assessed and a statement that an estimate of the costs of the improvement and specifications for the proposed work has been filed, and such notice shall be published in such paper for at least ten days.

If a remonstrance against such proposed fill or improvement signed by persons owning one-half of the property in the district to be improved or reclaimed and assessed, shall be filed with the City Clerk by the time of the next regular meeting of the Board following the final publication of such notice, no such fill or improvement shall be ordered except by the affirmative vote of all the members of the Board, but if no such remonstrance be filed the same may be ordered by a majority vote of the members of the Board. At any time after the expiration of said time in which a remonstrance can be filed, and within four months thereof, and also after such estimates and specifications are filed, the Board may by resolution order the improvements or fill constructed and prescribe the time and manner of making the same, and upon the passage of such resolution declaring the intention of the Board to make such fill or improvement and giving of the notice in this section provided and the filing of the estimate of the cost and expenses thereof and specifications for the proposed work and passage of the resolution ordering the improvement or fill and prescribing the time and manner of making the same, the City of Astoria shall be deemed to have gained jurisdiction for the purpose of making the improvement and assessing the property benefited thereby to defray the costs and expenses thereof.

Sec. 17. The Board shall provide by resolution for the time and manner of doing the work of reclaiming or filling in any reclamation district subject only to the following restrictions, viz: after such notice as may be prescribed in the resolution, the work must be let to the lowest bidder, and the Board shall provide for the rejection of any and all bids when deemed unreasonable, and the Board shall provide for taking security by bond in such sum as it shall consider reasonable conditioned for the faithful performance of any contract let under its authority, and that the contractor will pay all persons supplying labor and material used in the performance of the work and conform to the requirements of the Charter and all ordinances of the City of Astoria relating to public works, and the provisions of such bond may be enforced by an action in the

name of the City of Astoria. The Board shall provide by resolution for the time of the completion of the work and for the inspection and acceptance thereof.

Sec. 18. When by the provisions of this act the costs and expenses of filling or reclaiming any district of tide lands, mud flats, overflowed lands, or water frontage is to be defrayed by special assessment upon the property so filled in, within such district benefited by the improvement, such assessment may be made as hereinafter provided. The Board shall select three disinterested freeholders of the City of Astoria to act as a Board of Assessors which shall make the special assessments authorized by this act. If a member of such Board of Assessors shall be interested in any property in any special assessment district directed assessed by the Board, they shall appoint some other person to act in his stead in making the assessments, who for the purpose of the assessment shall be a member of the Board and such Board of Assessors may be changed from time to time at the pleasure of such Board of Commissioners.

Sec. 19. When any special assessments are to be made pro rata upon the lots, lands and premises including water frontage, rights of way and franchises in any special assessment district according to the benefits, the Board shall by resolution either at the time of ordering the fill or reclamation or before or after said time direct the same to be made by the Board of Assessors, and shall state therein the amount to be assessed and describe or designate the lots, lands and premises, water frontage, rights of way and franchises constituting the district to be assessed. Upon receiving such order or directions, the Board of Assessors shall make out an assessment roll listing and describing therein all the lots, premises, parcels of land, water frontage, rights of way and franchises to be assessed, and the valuation thereof with the names of the owners thereof, if known, and shall levy thereon the amount to be assessed in the manner directed by the provisions of this Article. They shall assess upon each lot or parcel of land, tract of water

frontage, right of way or franchise such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot or parcel of land, tract of water frontage, right of way or franchise from the improvement, and when such an assessment is completed they shall report the same to the Board and file the same with the City Clerk. The cost and expenses of any improvement which may be defrayed by special assessment shall include the cost of surveys, plans, assessment and advertising and the cost of filling in the property reclaimed including the streets and intersections thereof.

Sec. 20. When any special assessment shall be reported by the Board of Assessors to the Board of Commissioners as in the above section directed, the same shall be filed with the City Clerk and numbered before adopting the assessment the Board shall cause notice to be published at least ten days in some newspaper of the City of the filing of the same with the City Clerk thereof appointing a time when the Board will meet to review the assessment. The Board and said Board of Assessors shall sit as a Board of Equalization and shall have power to raise or lower the whole or any part of such assessment; provided, that in case any assessment is raised the party affected thereby shall be notified in writing at least three days before such change shall be made. Any person objecting to the assessment must file his objection thereto in writing with the City Clerk. The said Board and Board of Assessors shall have the power and authority to review and correct the action of said Board of Equalization and by resolution confirm the same as corrected; or they may refer the same back to the Board of Assessors for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the City Clerk shall endorse a certificate thereof upon the roll showing the date of confirmation. When any special assessment shall be confirmed by the Board, it shall be final and conclusive. All special assessments from the date of confirmation thereof shall constitute a lien upon the respective

lots, parcels of land, water frontage, rights of way and franchises assessed, and shall also be a charge against the person to whom assessed, until paid. Upon the confirmation of such assessment, it shall be the duty of the City Clerk to enter a statement thereof in the docket of the City Liens of the City of Astoria.

Sec. 21. The docket of the city liens is a book in which must be entered in pursuance to Section 20, the following matter in relation to assessments for the filling in and reclaiming of any tide lands, overflowed lands, or water frontage in any improvement district.

1st. The name of the owner of each lot, tract or parcel of land or tract or parcel of water frontage or right of way or franchise assessed or that the owner is unknown.

2nd. The number or letter of the lot assessed and the number or letter of the block and the town or addition in which it is situated, or if a tract of land or water frontage or right of way or franchise the description of the same.

3rd. The sum assessed upon such lot or tract of land, right of way or franchise, and the date of entry.

4th. The time and manner in which the same is to be paid, and if payable in installments, the amount of each installment and the date of payment.

Sec. 22. Whenever the assessment for filling in or reclaiming any district against a lot of twenty-five feet by one hundred feet or an equivalent quantity of land shall amount to the sum of $100.00 or more, the Board shall order that the assessment for such improvement may be paid in ten equal installments, one to be paid at the time for the payment of the special assessment and one shall be paid every two years thereafter at such time as the Board shall order together with interest on the portion still remaining unpaid at the rate of

five per cent per annum until the whole sum is paid; Provided, however, that all persons entitled to the benefit of this provision shall on or before the confirmation of such assessment, or within such further time as shall be provided in the resolution confirming the assessment, file with the City Clerk a written application that he be allowed to pay the costs of such fill or improvement in installments, in which written application he shall also state that he does hereby waive all and any irregularities in such proceedings for the filling or reclamation of such district and the levying of the assessment for that purpose, and giving therein also a description of his property affected thereby by the lots, blocks, or other convenient descriptions and thereafter and thereupon such property owner and such property thereby affected shall pay the cost of such improvement in installments as above provided. Provided further, however, that such owner and such property shall have the privilege at any time of paying the whole of such assessment and all interest accrued, and thereupon have such property released from the lien of said assessment.

Provided further, that whenever the assessment of any one person, or persons owning property jointly, company or corporation for such fill or improvement, shall exceed the sum of $300.00, then such person or persons, company or corporation, shall have the privilege of this section as to payment in installments upon like terms.

All special assessments, except such installments thereof as the Board shall make payable at a future time as provided herein, shall be due and payable on confirmation, or at such time thereafter as the Board may prescribe.

In case any installment of assessment against any lot or parcel of land shall not be paid within thirty days from the time the same becomes due, the Board shall have the privilege and option of declaring by resolution that all of the remaining unpaid installments which stand against the same property shall at once become due and payable; and when so declared, all

such installments may be collected at the same time and in the same manner as in case of the first installments then over-due or said remaining unpaid installments may be collected at one time by suit in the Circuit Court of the State of Oregon for Clatsop County, in which suit the person owning the property upon which the unpaid installments for any one improvement remaining due, may be joined as parties defendant.

Whenever any special assessment shall be adjudged illegal or invalid for any reason, or in case there shall have been a failure to assess the cost of any improvement upon the lands properly chargeable therewith, the Board shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings for such reassessment and for the collection thereof, shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the reassessment upon such premises, and the reassessment shall be to that extent satisfied. No judgement or decree of any court, nor any act of the Board vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by a regular assessment of proceedings might have been lawfully assessed thereon; and provided further, that in case of any irregularity of any of the proceedings for the filling in or reclaiming of any district or the levying of the assessment to defray the costs and expenses thereof, whether such irregularities be jurisdictional or otherwise, the City of Astoria shall have power to bring suit in the Circuit Court of the State of Oregon for Clatsop County, against the owner or owners of the lot or lots, block or blocks, parcel or parcels of land, including water frontage, rights of way or franchises upon which the cost of such improvement might or could have been charged or imposed and which were benefited thereby, which said lands, lots and premises and water frontage and rights of way and franchises shall include

all lots, lands and premises, water frontage, rights of way and franchises within the reclamation district, and recover the proportion of the costs of such improvement from each of said lots, lands and premises, water frontage, rights of way and franchises benefited by such improvement according to the benefit resulting to each from the improvement. In any such suit so instituted, all persons whose property is or would be so liable for the payment of any such proportion of the assessment aforesaid, shall be joined as parties defendant in one suit and the judgment rendered therein shall be a several judgment in rem against each of said lots or parcels of land and water frontage, right of way or franchise owned by each of the several defendants for its proportion of the cost of the improvement, and the costs and disbursements and the lien thereof shall be decreed upon the premises. The general laws of the State of Oregon governing suits in equity, service of summons, and other process shall apply to any such suit.

Sec. 23. The Docket of City liens in which such assessments shall be entered and all other records of the Board, shall be deemed public writings and the originals or certified copies of the same or any part thereof shall be entitled to the force and effect thereof, and from the date of the entry of an assessment upon a lot or part thereof, tract or parcel of land, water frontage or right of way, or franchise, the sum so entered is to be a lien thereon, which said lien shall have priority over all other liens or incumbrances thereon whatsoever.

Sec. 24. For the purpose of ascertaining who is the owner of any lot or part thereof, parcel or tract of land, including water frontage, right of way or franchise assessed for filling in or reclaiming the same, including the streets and intersections thereof, the City Clerk shall take a certificate of the County Clerk of Clatsop County, stating who is the owner thereof at the date of the resolution ordering the assessment, as may appear from the Records of Deeds of said County, which certificate such County Clerk is authorized and required to give when demanded to give the same by the City Clerk.

Sec. 25. A sum of money so assessed for reclaiming or filling in any district cannot be collected until by order of the Board, ten days' notice thereof is given by the City Clerk, by publication in a daily newspaper published in the City of Astoria. Such notice must contain the number of the assessment roll, a brief description of the district filled in or reclaimed, and the names of the persons against whom the assessments are made, and the amount owing by each and no other statement shall be required.

Sec. 26. If within ten days of the expiration of said ten days notice as required by Section 25, the sum assessed upon any lot or part thereof, tract or parcel of land, tract of water frontage, right of way or franchise, is not wholly paid to the Treasurer of the Board and a duplicate receipt filed with the City Clerk, the Board may thereafter order a warrant issued for the collection of the same to be issued by the City Clerk directed to the Chief of Police of the City of Astoria.

Sec. 27. Such warrant shall have the force and effect of an execution against real property and shall be executed in like manner except as herein otherwise provided. Such warrant must require the Chief of Police to proceed to collect the unpaid assessment named therein by advertising and selling to the highest bidder the lot, or part thereof, or tract of land or right of way or franchise described in the warrant in the manner provided by law for the sale of such property under execution, and return the proceeds of such sales to the Treasurer of the Board and the warrant to the City Clerk with his doings endorsed thereon, together with the receipt of the Treasurer of the Board for the proceeds of such sale as paid to him. Provided, that all the unpaid assessments for any one improvement may be included in one advertisement and notice of sale, but each piece or parcel of land shall be sold separately and for a sum not less than the unpaid assessment thereon, and interest and cost of advertising the sale; and provided further, that in the execution of said warrant no levy upon the lot or lots, or parcels of land, rights of way or franchise described therein shall be required.

The notice of sale shall be published once a week for four successive weeks prior to the date of sale. The warrant shall be returned within ninety days after the receipt of the same by the Chief of Police and alias warrants may be issued when required. At every sale of real estate under any such warrant for the collection of delinquent assessments, the Chief of Police or some other officer duly authorized by the Board, shall bid for and in the name of the City of Astoria for each tract, lot, or parcel of land, right of way or franchise offered for sale, the amount of the assessment against the same including the amount of any costs and charges accrued; and if no greater sum be bid, such lot, parcel of land, right of way or franchise shall be struck off to the City of Astoria and shall be held by it and be subject to redemption in like manner as if it had been sold to a private person, the Board of Commissioners may provide for selling and disposing of the same at any time after the right of redemption shall have expired.

Sec. 28. The Chief of Police executing such warrant shall immediately make a deed for the property sold thereon to the purchaser, stating therein that the same is made subject to redemption as provided in this act. Within three years from the date of such sale the owner or his successor in interest, or any person having a lien by judgment, decree or mortgage on the property or any part thereof separately sold, may redeem the same upon the terms and conditions provided in the next section.

Sec. 29. Redemption shall be made by the payment of the purchase money and ten per cent additional as a penalty together with interest on the purchase money from the date of sale to the time of payment at the rate of six per cent per annum and the amount of any tax which the purchaser may have paid on the property redeemed. Redemption from the City of Astoria shall be made by payment to the Treasurer of the Board and written application to the Board, and upon application being granted, the Board shall execute redemption certificates to the person or persons making redemption. A re-

demption discharges the property from the effects of the sale for the assessment. If made by the owner or his successor in interest, the estate in the property is hereby restored to the owner or his successor in interest as the case may be, but if made by a lien creditor, the amount paid for redemption is thereafter to be deemed part of or his judgement, decree or mortgage, as the case may be, and shall bear like interest and may be enforced and collected as part thereof.

Sec. 30. Whenever a purchaser or those claiming under him refuse to convey to the person entitled to redeem, such person may enforce such conveyance thereof by a suit in equity as for a specific contract to convey real property, and such suit may be maintained against absent persons without proof of tender of money and offer to redeem, if the plaintiff bring the money into Court with his complaint, and offers to redeem. Every action, suit or proceeding which may be commenced for the recovery of land which shall have been sold by the Chief of Police of Astoria for any such assessment except in cases where the assessment for which the land was sold has been paid before the sale, or the land redeemed as provided by law, shall be commenced within four years from the time of the recording of the deed executed by the Chief of Police and not thereafter. In any suit, action or proceeding in any Court, concerning any assessment of property authorized by this act or the collection of such assessment or proceedings consequent thereon, such assessment and subsequent proceedings and all proceedings connected therewith shall be presumed to be regular and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed or left to the discretion or judgment of the Board, such discretion or judgment when exercised or delared, is final, and cannot be reversed or called in question elsewhere.

Sec. 31. In making a deed for real property sold for a delinquent assessment for filling in or reclaiming any improvement district, it is not necessary to recite or set forth the proceedings prior to the sale, but it is sufficient if it substantially

appears from such deed that the property is sold by virtue of a warrant from the City Clerk and the date thereof together with the date of sale and the amount bid thereat by the purchaser and the person to whom sold and such deed shall be prima facia evidence of the authority to make the sale and the regularity of anterior proceedings. No suit or legal proceedings shall be instituted to set aside such a deed or to have the same declared void without first tendering to the purchaser of the property at the assessment sale, his heirs or assigns, whether the purchaser be the City or otherwise, the amount bid at such sale for the property together with ten per cent penalty on said amount, with interest on the amount bid at such sale from the date of sale at six per cent per annum and all taxes and assessments paid by such purchaser on account of such property, with like interest thereon. And in any such suit or action prosecuted by any person claiming to be the owner of any property under an assessment sale for the recovery of the possession of such property, the defendant, except in such cases where the assessments have been paid or the property redeemed, shall tender with his answer and pay into Court for the benefits of the holder of the assessment title the amount hereinbefore required to be tendered in an action brought to set aside such assessment deeds. The style of the warrant for the collection of delinquent assessments shall be "in the name of the City of Astoria."

Sec. 32. Any contractor who has entered into any contract with the City of Astoria to fill in or reclaim any reclamation district under this Act, may dredge out material for the purpose of making the fill from the bed of the Columbia river along the City water front outside of the pier head line under such restrictions and regulations as the Board may from time to time prescribe by resolution.

Sec. 33. Nothing in this Act contained shall be so construed as to in any way abridge or interfere with the power of the Board of Commissioners to improve any and all streets thereof in any manner now provided; and said Board of Com-

missioners may improve any street by constructing retaining walls on each side thereof to retain the fill and by grading and filling the same to the established grade and by macadamizing or paving the same or in any other manner whatever, and assess the costs and expenses thereof against the property benefited thereby as now provided by the Charter of the City of Astoria; and provided further, that whenever any street over the tide lands or tide flats of the City of Astoria shall be improved by filling the same to the established grade and [illegible] or paving the same and the assessment for such improvement against a lot twenty-five feet by one hundred feet or an equivalent quantity of land, shall exceed the sum of $100.00, the owner of the property so assessed shall upon application therefor to the Board of Commissioners before confirmation of the assessment and waiver of all irregularities in the proceedings, have the privilege of paying such assessment in ten equal installments, one of which shall be payable at the time the assessment is confirmed and one every two years thereafter, with interest on all unpaid installments at the rate of six per cent per annum payable annually until all installments are paid in full, which said assessments, except as herein otherwise provided, shall be levied and collected in the same manner as other street assessments are levied and collected, and all the provisions of the Charter shall be applicable to and govern the mode of proceeding for such an improvement and the levy and collection of the assessments to defray the costs thereof.

Sec. 34. Neither City of Astoria or said Board shall incur any indebtedness in carrying out the provisions of this Act in excess of said $300,000.00 for constructing bulk-heads and retaining walls and said $500,000.00 for filling in and reclaiming the tide lands, mud flats and overflowed lands and the indebtedness of the City shall be limited to that sum in excess of the present limit of indebtedness of the city as prescribed by Section 13, Article IX, of the Charter of the City.

ARTICLE XII.

Sec. 1. *OFFICERS AND EMPLOYES. SUPERVISION*—The elective officers shall be the only officers of the City. All other persons in the service of the City or any Commission, or Board thereof, are hereby declared to be employes, and subject to removal by the Board at any time, at its pleasure, and without cause except as otherwise provided by this Charter. The powers, duties and compensation of all salried employes shall be fixed by ordinance..

Sec. 2. *REMOVAL TERMINATES SALARY*—In case of removal of any officer or employe, his right to salary shall thereupon cease.

Sec. 3. *CITY CLERK AND ATTORNEY*—A City Clerk and Attorney shall be appointed by the Mayor subject to confirmation by the Board.

Sec. 4. *CITY ENGINEER*—The office of City Engineer will be created by the Board whenever necessary. The City Engineer shall be appointed by the Mayor, subject to confirmation by the Board.

Sec. 5. *OATH OF OFFICE.*—Every officer or salried employe shall, before he enters upon the duties of his office, take, suscribe and file with the Clerk, an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Oregon, and the Charter and Ordinances of the City of Astoria, and faithfully to perform the duties of the position upon which he is about to enter. They shall also include in the same oath that they will not take away or destroy, except when ordered to do so by the Board, any files, books, maps, contracts, any papers or documents which may be of use or value to the City or any property whatsoever.

Sec. 6. *BONDS*—If any officer or employe is required by law or by ordinance to give any surety bond, he shall not be

deemed qualified for his office or employment until said surety bond has been duly approved and filed.

Sec. 7. *NO EXTRA COMPENSATION*—No officer or employe shall receive any commission, money or thing of value, or derive any profit, benefit or advantage, direct or indirect, from or by reason of any dealings with or services for the City, from himself or by others, or from or by reason of any alterations, improvements or repairs acquired by authority of the City, except his lawful compensation as such officer or employe and his share of the public benefit.

No officer or employe of the City shall accept, directly or indirectly, unless so authorized in writing by the Board, from any railroad, telegraph or telephone company or from the holder of any public utility franchise in the City, any frank, pass free ticket, free service, or other service upon terms more favorable than those granted to the public generally. This provision shall not extend to transportation of firemen and policemen in uniform while in actual discharge of their duties. Any violation of this section shall be a misdemeanor.

Sec. 8. *OFFICIAL BOOKS, RECORDS, ETC.*—All books, records and papers, of every office, department, Board or Commission are City property and must be kept as such by the proper officers or employes during their continuance in office and then delivered to their successors, who shall give duplicate receipts therefor, one of which shall be filed with the City Clerk.

The failure to deliver such books, records, and papers, shall be a misdemeanor.

No documents, papers or books shall be allowed to be taken out of the City Hall. Certified copies or extracts from the books, records and files shall be given by the officer, Board, Commission or employe having the same in custody, to any person demanding the same and paying for such copies or ex-

tracts, but the records of the Police Department shall not be subject to inspection or copy without permission of the Mayor.

All equipments, collections, models, materials, instruments, tools, and implements which are collected, maintained, used or kept by the City or by any department, Board or Commission, shall be City property, and be duly turned over by the custodian thereof to his successors, or duly accounted for.

Sec. 9. *PAYMENT OF DEBTS* Failure of any officer or employe to promptly pay any indebtedness contracted by him while in the service of the City shall be ground for his removal.

ARTICLE XIII.

FRANCHISES AND PUBLIC UTILITIES.

Sec. 1. *FRANCHISE GRANTED UPON VOTE*—No franchise shall be granted by the City except upon the vote of the qualified electors and the question of its being granted shall be submitted to such vote upon deposit with the Commissioner of Finance of the expense (to be determined by said Commissioner) of such submission by the applicant for said franchise.

Sec. 2. *UNUSED FRANCHISE TO BE REPEALED*—All franchises or privileges heretofore granted by the City of Astoria which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise at the time of the adoption of this Charter, are hereby declared forfeited and of no validty, and it shall be the duty of the Board to carry out the provisions of this section by the enactment of ordinances repealing said franchises; provided that this section shall not apply to any franchise in which the Ordinance granting the same shall have fixed a time which shall not have expired at the time of the adoption of this Charter.

Sec. 3. *FRANCHISE SPECIFY STREETS*—All franchises or privileges hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and no franchise or privilege shall hereafter be granted by the City in general terms or to apply to the City generally.

Sec. 4. *POWER TO REGULATE RATES AND FARES*—All power to regulate the rates, fares and charges for service by public utility corporations is hereby reserved to the people, to be exercised by them by ordinance of the Board or in the manner herein provided for initiating or referring an ordinance. Any right of regulation shall further include the right to require uniform, convenient and adequate service to the public and reasonable extensions of such service and of such public utility works.

Sec. 5. *ORDINANCE IN PLAIN TERMS*—No franchise, right or privilgee or license shall be considered as granted by any ordinance except when granted therein in plain and unambignous terms and any and every ambiguity therein shall be construed in favor of the City and against the claimant under said Ordinance.

Sec. 6. *ISSUANCE OF STOCK*—Every ordinance granting any franchise shall prohibit the issuing of any stock on account thereof by any corporation holding or doing business under said franchise, to an amount in excess of the sum which shall be fixed for said purpose by the Board whenever requested so to do by the holder of said franchise; the said sum as fixed by the Board shall consist of the following items only, to-wit.

(a) The sum necessarily expended by the grantee of said franchise in obtaining the same from the City; and

(b) Such sum as in the opinion of the Board is a reasonable compensation to said grantee.

Any violation of the terms of this section shall at the option of the Board, operate as a forfeiture of said franchise.

Sec. 7. *SPECIAL PRIVILEGES TO MAIL CARRIERS, POLICEMEN AND FIREMEN* The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States Mail Carriers, and all policemen and firemen of the City in uniform shall at all times while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the City without paying therefor, and with all the rights of other passengers.

Sec. 8. *RAILROAD ELEVATE OR LOWER TRACKS*— The Board shall by ordinance require under proper penalties, any railroad company, whether steam or electric to elevate or lower any of its tracks running over, along or across any of the streets or alleys of the City, whenever in the opinion of the Board the public safety or convenience require.

Sec. 9. *FRANCHISE PROVIDE FOR SAFETY*—The grant of every franchise or privilege shall be subject to the right of the City, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accomodation of the public, including among other things, the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant, and to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions and accomodations for the people and insure their comfort and convenience without discrimination either to class or kind of service rendered or to be rendered at the option of the people, or in the price charged or to be charged for the same.

Sec. 10. *REGULATIONS OF FRANCHISE FOR THE USE OF WATER RESERVED TO CITY*—Every franchise,

right or privilege which has been, or which may be hereafter granted, conveying any right, permission or privilege to the use of the water belonging to the City or to its water system, shall always be subject to the most comprehensive regulations, supervision and control in every particular by the City, and the rights of the City to such control for municipal purposes is retained by the City in order that nothing shall ever be done by any grantee or assignee of any such franchise, right or privilege which shall in any way interfere with the successful operation of the water works of the City, or which shall tend to divert, impair or render the same inadequate for the complete performance of the trust for the people under which such water works are held by the City.

Sec. 11. *NO EXCLUSIVE FRANCHISE, RENEWAL*—No exclusive franchise shall ever be granted, and no franchise shall be renewed before one year prior to its expiration.

Sec. 12. *NO FRANCHISE LEASED, EXCEPT*—No franchise granted by the City shall ever be leased, assigned, or otherwise alienated without the express consent of a majority vote of the Board of Commissioners excepting that such consent shall not be required after the utility shall have been completed and in operation according to the terms of the franchise, and no dealing with the lessee or assignee on the part of the City to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent.

Sec. 13. *NO EXTENSION OR ENLARGEMENT OF FRANCHISE, EXCEPT* -No extension or enlargement of any franchise or grant of rights or powers previously granted to any corporation, person or association of persons, shall be made except in the manner and subject to all the conditions herein provided for in this Article for the making of original grants and franchises: Provided however, that the provisions of this Article shall not apply to the granting by ordinance of revocable licenses or privileges for side track or switch privileges to rail-

way companies for the purpose of reaching and affording railway connection and switch privileges to the owners or users of any industrial plant, it being the intention to permit the City to grant such revocable licenses or privileges to railway companies whenever in its judgment the same is expedient, necessary or advisable, and whenever the application for such privileges is accompanied by the assent in writing of the owners of the major part in extent of the front feet of the lots or tracts of land of the block fronting on each side of any street or parts of a street, over or on which it is desired to lay or construct such side track or switches.

Sec. 14. *PROVISIONS FOR COMMON USE OF TRACKS, POLES, ETC.*—The City, by and through its Board, shall have the power to require any corporation holding a franchise from the City to allow the use of its tracks, poles and wires by any other corporation to which the City shall grant, or has granted a franchise upon the payment of a reasonable rental therefor, and any franchise or right which may be hereafter granted to any person or corporation to operate a street railway within the City or its suburbs, shall be subject to the condition that the City shall have the right to grant to any other person or corporation desiring to build or operate a street railway, or interurban railway within or into the City, the right to operate its cars over the tracks of said railway in so far as may be necessary to enter the City and to reach the section thereof used for business purposes; provided, that the person or corporation desiring to operate its cars over the lines of said street railway, shall first agree in writing with the owner thereof to pay it reasonable compensation for the use of its tracks and facilities. And if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation, within sixty days from offering so to do, and as to terms and conditions of the use of said tracks and facilities, then the Board shall, by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the Board

when so made shall be binding on and observed by the parties concerned.

Sec. 15. *CITY MAINTAIN GENERAL SUPERVISION* —The Board of Commissioners shall maintain general supervision over all public utility companies insofar as they are subject to municipal control. It shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violation of law, and may revoke, cancel or annual all franchises that may have been granted by the City, which have become in whole or in part, or which for any reason are illegal or void and not binding upon the City, "but only by process of law in order to avoid any claim for damages or liability of the City."

It shall require every person or corporation operating under a franchise or grant from the City, to submit to the Board within sixty days after the first day of January of each year, an annual report, verified by the oath of the President, the Treasurer, or the General Manager thereof.

Such report shall be in the form and contain such detailed information covering the period prescribed by the Board, and the Board shall have the power, either through members or by experts or employes duly authorized by it, to examine the books and affairs of any such person, persons or corporations, and to compel the production before them of books and papers pertaining to such report or other matters.

Any such person, persons or corporations which shall fail to make any such report, shall be liable after written notification of said delays by the Board, to a penalty of one hundred dollars, and an additional penalty of ten dollars for each and every day thereafter, during which he shall fail to file his report, to be sued for and recovered in any Court of record.

The Mayor shall have the power either personally or through the City's inspectors or employes duly authorized by

the Board to enter into or upon and to inspect the buildings, plants, power houses and all properties of any such person, persons or corporation, and shall inspect the properties of such person, persons or corporation, at least once a year and shall immediately thereafter report to the Board a detailed and complete statement of such inspection.

Sec. 16. *BOOKS OF RECORD AND REFERENCE*—The Mayor shall provide and cause to be kept in his office a franchise record, indexed, and of proper form in which shall be transcribed accurate and correct copies of all franchises or grants by the City to any person, persons or corporation owning or operating any public utility. The index of such record shall give the name of the grantee and thereafter the name of any signee thereof. Said record shall be a complete history and record of all franchises granted by the City since its inception and now in force and shall include a comprehensive and convenient reference to actions, contests or proceedings at law, if any affecting the same, together with copies of all annual reports, and inspection reports, as herein provided, and such other matters of information and public interest as the Board may from time to time acquire.

Sec. 17. *BOOKS OF ACCOUNT, EXAMINATION*—The City, when owning any public utility, shall keep the books of accounts for such public utility distinct from other city accounts, and in such a manner as to show the true and complete financial result of such City ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to such City of the Public utility owned; all cost of maintenance, extension and improvement; all operating expenses of every description in cases of such City operation; the amounts set aside for sinking fund purposes, if water or other service shall be furnished for the use of such public utility without charge, the accounts shall show, as nearly as possible, the value of such service, and also the value of such similar service rendered by the Public Utility to any other City Department without charge; such accounts shall also show reasonable

allowance for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The Board shall cause to be printed annually for public distribution, a report showing the financial results, in form as aforesaid, of such City ownership, or ownership and operation.

Sec. 18. *THE TERM NOT LONGER THAN TWENTY-FIVE YEARS, COMPENSATION.*—No franchise, lease or right to use the streets, or the public places of property of the City shall be granted by the City, except as in this Charter provided, for a longer period than twenty-five (25) years, nor without fair compensation to be therein provided, the grantee shall be required to pay annually to the City such percentage of the gross receipts arising from the use of such franchise and of the plant used therewith as shall be fixed in the grant of said franchise. No other compensation of any kind shall be exacted for such use during the life of the franchise, but this provision shall not exempt the grantee from any lawful taxation upon his or its property nor from any licenses, charges or imposition not levied on account of such use.

Sec. 19. *CITY MAY PURCHASE, PROCEDURE.*—(a) Every grant of a franchise or right shall provide that the City may, upon the payment therefor of its fair valuation, to be made as provided in the grant, purchase and take over the property and plant of the grantee in whole or in part.

The valuation may include as part of the cost of the plant, interest on investment during the period of construction and prior to operation. Such grant may provide that the City shall pay an additional bonus representing the increased value of the tangible property, if any.

The procedure to effect such purchase shall be as follows: When the Board shall, by resolution, direct that the Mayor shall ascertain whether any such property or part thereof, should be acquired by the City, or in the absence of such action of the

Board, when a petition signed by ten per centum of the qualified electors requesting that the Mayor shall ascertain whether any such property or part thereof should be acquired by the City, shall be filed with the Clerk, the Mayor shall forthwith carefully investigate said property and report to the Board.

(1) At what probable cost said property may be acquired.

(2) What, if any, probable additional outlays would be necessary to operate same.

(3) Whether, if acquired, it could be operated by the City at a profit or advantage in quality or cost of service, stating wherein such profit or advantage consists.

(4) Whether, if acquired, it could be paid for out of its net earnings, and if so, within what time, and

(5) Such other information touching the same as he shall have acquired.

Such report shall be made in writing, shall include a statement of facts in relation thereto with such particularity as will enable the Board to judge of the correctness of his findings, and immediately after submission to the Board, shall be filed with the Clerk, recorded in the Franchise Record and published once in each of two daily newspapers of general circulation published in the City, or printed and distributed in pamphlet form, as the Board deem best.

If a petition prescribed by twenty-five per centum of qualified electors of the City, requesting that the question whether or not the City shall acquire said property shall be submitted to a vote of the people, shall within sixty days after the filing of said report be filed with the Clerk, the Board shall provide by Ordinance for the submission of the question to a vote of the qualified electors.

(b) Every grant reserving to the City the right to acquire the plant as well as the property, if any, of the grantee situated in, on, above or under, the public places of the City, or elsewhere, used in connection therewith, shall in terms specify the method of arriving at the valuation therein provided for and shall further provide that upon the payment by the City of such valuation, the plant and property so valued, purchased and paid for shall become the property of the City by virtue of the grant and payment thereunder, and without the execution of any instrument of conveyance; and every such grant shall make an adequate provision by way of forfeiture of the grant, or otherwise, for the effectual securing of efficient service for the continued maintenance of the property in good order and repair, throughout the entire term of the grant.

(c) Whenever any plant or property shall become the property of the City of Astoria, the City shall have the option at any time then and thereafter either to operate the same on its own account, or by ordinance to lease the same or any part thereof together with the franchise or right to use the streets or other public property in connection therewith for periods not exceeding twenty-five years, under such rules and regulations as it may prescribe, or by Ordinance to sell the same to the highest bidder at public sale, reserving the right to reject any and all bids.

Sec. 20. *RAILROAD AND STREET RAILWAYS, PAVING, BRIDGES, VIADUCTS*—Any franchise granted to any railroad or street railway shall compel the grantee to pave and repave the streets over which said railway or street railway has laid its tracks, between the outer rails of said tracks and for a space of one foot at least on each side, outside of said outer rails, in the same manner and with the same material as the street shall be improved by the City, and in case that said streets are not improved, the railroad or street railway shall fill the space between the rails and to the end of the ties with material and in a manner satisfactory to the Board and keep said space in good repair.

No railroad or street railway shall be permitted to locate, construct, or operate, any street railway track along, across, upon, or over, any bridge or viaduct which shall have been built by the City of Astoria unless or until it shall have paid to the City a sum equal to at least one-half of the original cost of the construction of such bridge or viaduct, and unless and until it pays thereafter one-half of the cost and maintenance and repairs of the same.

Sec. 21. *MATTERS IN CHARTER NOT TO IMPAIR RIGHT OF BOARD TO INSERT OTHER MATTERS IN FRANCHISE* -The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall never be construed as impairing the right of the Board to insert in such franchise or grant, such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, fares, rentals, charges, control, forfeitures, or any other provision whatever, as the Board shall deem proper to protect the interests of the people.

Sec. 22. *REVOCABLE PERMITS*—The Board may grant a permit at any time, in or upon any street, alley or public place, provided such permit may be revocable by the Board at its pleasure at any such time, whether such right to revoke be expressly reserved in every permit or not.

ARTICLE XIV.

COMMISSIONS AND BOARDS

Sec. 1. *PARKS AND LIBRARY*—The State Laws have provided for Board of Directors of these two institutions. The Mayor shall supervise the interests of the City in all matters pertaining to or connected with the same.

Sec. 2. *BOARD OF CHARITIES*—The Board may establish a commission of public charities for cases of emergency and appoint commissioners theron, to serve without compensation, with such tenures, powers and duties of office as may be fixed by Ordinance.

ARTICLE XV.

GENERAL PROVISIONS.

Sec. 1. *SPECIAL POWERS*—The City of Astoria shall have power within the City of Astoria.

1. To assess, levy or collect taxes for general municipal purposes, upon all property, both real and personal, which is taxable by law for state and county purposes.

2. To license, tax, and regulate lawyers, doctors, brokers, auctioneers, drummers, commercial travelers, hawkers, peddlers, pawn brokers, places of amusement or entertainment, including theatres, opera, exhibitions, circuses and shows, and the like, hotels, taverns, boarding houses and restaurant keepers, and runners of the same, junk dealers, and dealers in second hand articles and merchandise. To license, tax and regulate wash houses, slaughter houses and abbatoirs, and to license and tax all business and employment of every kind and description, including keepers of cigar stores, billiard tables, bowling alleys and shooting galleries. Also to tax license and regulate work shops, mechanics, artisans, store keepers, merchants and tradesmen, and business of any and all kinds within the City limits, and for the purpose of this act to define and declare when deemed necessary by Ordinance, what constitutes any such profession, business, calling, employment, places of amusement or entertainment: Provided, always, that no tax shall be imposed,

or any license required for the sale in said City of any of the natural products of this State.

3. To provide for the construction, making, cleaning and repairing of sidewalks, and construction and repairing of sewers and drains and the improvement and repair of streets, at the expense of or by the owners of property specially benefitted by the same, or otherwise, not in conflict with the provisions of this Charter and to acquire liens on any such specially benefitted property, and prescribe by ordinance the manner of acquiring liens thereon not inconsistent with the provisions of this Charter and to provide by ordinance for the making, assessing levying and collection of assessments against property so specially benefitted, and to further provide by Ordinance for the punishment of persons refusing, neglecting or failing to construct or repair sidewalks, and keep the same in good condition.

4. To license, tax and regulate wharfingers, livery and boarding stables, hacks, carriages, wagons, carts, trucks, drays, automobiles and other vehicles used for the transportation of persons or passengers, or any goods, wares or merchandise, rock, earth, lumber, building material, or other articles within the limits of the City, either in whole or in part, with or without hire, and to prescribe the rates to be charged for such transportation.

5. To license, tax, regulate, restrain and prohibit barkeepers, saloon keepers, dealers in spiritous liquors, bar rooms, drinking shops, or places where spiritous, malt or vinous liquors may be kept for sale or in any manner disposed of; all offensive and dangerous trades, employments and business; and for the purpose of this act to declare who is a bar-keeper, saloon-keeper or dealer in spiritous, malt or vinous liquors, and where they may or may not, be kept for sale and disposed of, and what are dangerous trades, employments or business, but this subdivision does not empower the City of Astoria to declare a trade, employment or business dangerous or offensive, contrary to the

common understanding of the subject nor to authorize anyone to do any act, or engage in any business contrary to the laws of the land.

6. To suppress, restrain and prohibit bawdy and assignation houses, houses of ill-fame and prostitution, gaming and gambling houses, gaming, gambling, and all games of chance, including slot machines, all model artist exhibitions, and other shows of an imoral nature, and to define and declare by ordinance what shall constitute the same. To punish by fine or imprisonment, or both, any person, who owning, controlling or being in possession of any house or building, room or rooms there-, uses the same, or any part thereof, or knowingly permits the same, or any part thereof, to be used as a bawdy house, assignation house, house of ill-fame, or prostitution, or a gaming or gambling house, or for a model artist exhibition, or other show of an immoral nature, to punish by fine or imprisonment or both, any person or persons who shall occupy or visit, or resort to such house or houses, and to punish by fine or imprisonment or both, any person or persons who engage in gaming or gambling, as the same may be defined by ordinance.

7. To prevent, prohibit and suppress the keeping of places, houses or rooms where either male or female adults or minors are permitted to indulge in the smoking of opium, and to provide by ordinance for the summary closing of such houses, places or rooms, and the punishment, by fine or imprisonment, or both, of the person or persons, occupying, keeping or visiting such houses, rooms or places for such purposes.

8. To make regulations to prevent the introduction of any contagious disease into the City and remove persons afflicted with such diseases therefrom to suitable hospitals provided by the City for that purpose. To secure the protection of persons and property therein, and to provide for the health, cleanliness, ornament, peace and good order of the City.

9. To prevent, abate, and remove nuisances, and to declare

what shall constitute the same, either by general or special ordinances, and to provide the manner of their removal, and to make the cost of abating or removing such nuisance a lien upon the property where such nuisance existed, when the owner or occupant thereof is the author or continuer of such nuisance. To provide for the filling or draining of any lot or block whereon stagnant water stands, and to declare the same a nuisance and to make the cost thereof a lien upon the property, but in such case the same must be reported to the Board, and the necessity of the same declared by ordinance or by resolution, and if after five days notice thereof, or such notice as may, in the judgment of the Board be reasonable, under all the circumstances of the particular case, shall have been given to the owner, or owners,of such lot or block, or to his or their agent, such owner or owners, fail or refuse to fill up or drain the same, then the work must be let to the lowest bidder, except in the case of an emergency requiring immediate attention, which emergency shall be specified in the ordinance or resolution, in which event the Board of Commissioners may proceed summarily and abate such nuisance, and the cost thereof, in either case, may be made a lien upon such lot or block, and collected in like manner as street improvements, as provided in this Charter. Such liens may, upon order of the Board, be entered in the docket of City Liens, and thereafter collected in the same manner as assessments for street improvements, or may be collected in such other manner as the Board may direct.

10. To provide by ordinance for the punishment by fine or imprisonment, or both, of any person or persons who shall cause or continue any nuisance within the City limits, or suffer any nuisance to exist upon any property occupied or controlled by such person or persons within the City, or any street or alley contigous to such property, and to define what shall constitute a nuisance within the meaning of this section or of such ordinance.

11. To provide for the establishment of fire limits within the City of Astoria, and to prohibit the erection of wooden

buildings therein, and to further provide for the manner in which buildings shall be erected and repaired, and of what material in said fire limits. To provide for and to determine the number and size of all places of entrance and exit of all public buildings, halls, churches, and other places used for public gatherings, and the mode of hanging the doors thereat, also fire escapes.

12. To exercise within the limits of the City of Astoria, all powers commonly known as the police power, to the same extent as the State of Oregon has or could exercise said power within said limits.

13. To prohibit all persons from begging or soliciting alms, or exhibiting any cripple or deformed person on any street or in any public place.

14. To make and enforce, within the limits of the City, all necessary water, local, police and sanitary laws and regulations.

15. To purchase, or acquire by condemnation, such property, real and personal, as may be needed for public use.

16. To purchase, take and hold real or personal property, when sold for a delinquent tax or assessment, levied or imposed under the authority of the City of Astoria, and to sell and convey the same, but the sum bid by the City, on or for any piece or parcel of property so sold for a delinquent tax or assessment, shall not exceed the amount of the tax or assessment, and the necessary costs and expenses on such piece or parcel of property.

17. To provide by ordinance for securing the payment of wages to mechanics and other employes in the service of contractors engaged in doing work of any kind for the City, either by exacting bonds from such contractors or otherwise, as may seem most advisable.

18. To regulate the plumbing, drainage and sewerage of buildings and the use of steam boilers and steam generators.

19. To compel all persons erecting or maintaining privies or cess pools within one hundred feet of any street, in which a sewer may be hereafter constructed, to connect the same therewith: Provided, that in cases where blocks are more than two hundred feet in width, this authority shall extend to the center of the block.

20 To prevent and prohibit the creation of unsafe buildings, and to cause the tearing down of the same wherever situate.

21. To establish sidewalk districts, and to determine the character of sidewalks in any of said districts, and to specify the time at the expiration of which all sidewalks shall be of a specified character.

22. To regulate the sale, storage and transportation of fire arms, gunpowder, nitro-glycerine, dynamite, giant powder, oil, gas and combustible materials of every kind and character, and to prohibit and prevent the manufacture and detention thereof within the City limits, and to prevent by all possible and proper means, danger or risks of injury, or danger by fire from carelessness, negligence or otherwise.

23. To prevent railway companies of every kind and character from allowing their cars,engines or trains to stand upon or blockade any of the street crossings of the City of Astoria, and to regulate the speed of railway trains and street cars within the corporate limits. To require all railways and railroads to provide fenders, and other safety appliances, and latest and most improved machinery and methods for their cars and tracks, and the operation thereof for the protection of human life, and the lessening of danger thereto, and to enforce such regulations by such fines and penalties as may be prescribed by ordinance. To prevent fast or furious riding or driving upon the streets and alleys of the City of Astoria, and to define

what shall constitute the same, and to regulate and prohibit the use of guns, firearms, firecrackers, bombs and detonating works, of all description.

24. To provide for the establishment of market houses and places of like nature, and regulate the location and management of market houses and slaughter house, and places of like nature, and to suppress and prohibit the slaughtering of animals within the City limits.

25. To tax horses and other domestic animals for breeding purposes. To regulate or to prohibit the driving of horses, cattle, sheep, hogs and other animals and livestock through the streets. To restrain and regulate the keeping of all domestic animals, and to prevent any and all domestic animals from running at large within the City, or any part thereof, and to punish those who allow animals so to run. To provide for the impounding of the same, and also to provide for the sale of such animals upon five days notice. To regulate and restrain the keeping and running at large of dogs. To punish those people who allow their dogs to be unlicensed or to run at large against the regulations established, and to provide for the impounding of dogs, and for the killing of the same when kept against such regulations, or on which no license has been obtained, or tax paid, as provided by the Board.

26. To regulate and prohibit the use of wells and well water when a menace to the public health or welfare of the City of Astoria, or any of the inhabitants thereof, and to provide for the filling up of any such well or wells within the city limits, and to have power to cause the same to be filled up at the expense of the owner of the property upon which the same are situate, or his agent and such expense may be made a lien upon the property. Such lien, may, upon order of the Board, be entered in the Docket of City Liens, and thereafter collected in the same manner as assessments for street improvements, or may be collected in such manner as the Board may direct.

27. To regulate the use of streets, roads, highways, and public places for foot passengers, animals, vehicles, cars, street railways and locomotives, and to prohibit more than one railway track, other than switches on a street not more than eighty feet wide, and to protect the public from injury by punishing persons who negligently leave horses or carriages in the street without fastening, and to prescribe the width of tires of all trucks, drays, carriages and vehicles, and the weight carried thereon for the preservation of streets and highways.

28. To own, erect, repair and regulate public wharves and docks, and fix the rate of wharfage and dockage thereof, and to provide for the collection of the same.

29. To regulate the opening of streets, the laying of gas mains and water mains, the building and repairing of sewers, and the erection of gas, electric and other lights. To provide for the arranging of blocks and streets of the City of Astoria, and for making the boundary lines of said blocks and streets.

30. To permit, allow and regulate the laying down of street cars and other railroads upon such streets as the Board may designate. To regulate and prevent public criers and advertising notices, steam whistles, the ringing of bells and playing of bands in the streets and limit and control traffic on the streets and avenues. To regulate and prohibit signs, sign posts, awnings and awning posts, telegraph, telephone and electric light posts. To regulate and prevent the hanging of banners, placards and flags in or across the streets or from houses to other buildings. To prohibit the exhibition of deformed or crippled persons. To prohibit and punish all persons begging in the streets, or within the City limits. To establish from time to time such police stations as may be necessary. To number houses and lots, and regulate the numbering of houses and lots on the streets and avenues and to provide for the sprinkling and cleaning of streets, and to prohibit persons from roaming the streets at unreasonable hours.

31. To allow, regulate and prohibit the erection and maintenance of telegraph, telephone and electric light poles, and any other poles for any purpose, in, upon or over the streets, alleys, public parks and public grounds of said City, whether said public parks and public grounds be inside of said city or not.

32. To regulate and establish the fees of all officers and agents of this municipal corporation, except when otherwise specially provided.

33. To provide for the punishment for the violation of any ordinance of the City by a fine not exceeding two hundred dollars, or by imprisonment not exceeding two hundred days, or both, or by forfeiture or penalty not exceeding two hundred dollars, and for working any persons sentenced to such imprisonment upon the streets, public squares, workhouses, or house of correction during the term thereof, and to provide for the punishment of any person sentenced to imprisonment who shall refuse to work when so ordered.

34. To provide by ordinance for the punishment by fine or imprisonment, or both, of any person, or persons who shall keep any hog or hogs within the City limits, or shall suffer any poultry to run at large, and to define what shall be deemed running at large within the meaning of this section, or such ordinance.

35. To provide for the punishment of any person or persons who shall sell, or offer for sale any unwholesome or adulterated provisions or food, or unwholesome or diseased meats, and to define what shall constitute such unwholesome or adulterated provisions and food, or unwholesome or diseased meats.

36. To license and regulate for the purpose of City revenue all such business, trades, callings and improvements, as the Board may require to be licensed, and as are not prohibited by the laws of this State.

37. To locate and construct, or purchase, any reservoir, ditch, canal or pipe line for the conduct of water, to or from the City, or any drain sewer, or culvert it may deem necessary or convenient, and for such purpose it shall have the right to enter upon any land between the terminii of said ditch, canal, pipe line, drain, sewer or culvert, for the purpose of examining, locating and surveying the line of such ditch, canal, drain, sewer or culvert, doing no unecessary damage thereby, and to appropriate so much of said lands, whether the same be within or without the corporate limits of the City of Astoria, as may be necessary for the construction and operation of such ditch, canal, pipe line, drain, sewers or culvert, in like manner as provided by the laws of this State for the appropriation of lands or rights of way by corporations and to appropriate and divert from its natural course or channel, for the purpose of draining or flushing any sewer, drain or culvert, any spring, ditch or stream of water for temporary uses, and may make a valid appropriation of water of any stream, and acquire a right thereto, in the same manner and to the same effect as individuals may do under the laws, and shall have the power to exercise the right of eminent domain, and by virtue of the exercise of said right of eminent domain, to purchase any ditch, or ditches, water or water rights, necessary and requisite for the convenient location, construction, operation, draining and flushing of any sewer, drain or culvert.

38. To borrow money on the faith of the City, or loan the credit thereof or both, and to that end to provide for the issuance of bonds by said City for any specified City purpose, and to designate the manner and time for the payment thereof and the interest thereon, not in conflict with the provisions of this Charter; Provided, that the interest on such bonds shall not exceed six per cent per annum.

39. To provide for the survey of the boundaries of the City, and all streets, lots and blocks within such boundaries, and to have plats made of the same and to adopt such plats as the official plats of the City for City purposes.

40. To purchase land within or without the corporate limits of the City to be used for dumping purposes, and to provide for the maintenance and use of the same.

41. To open, lay out, establish, widen, alter, extend, vacate or close streets and alleys, and to appropriate private property therefor, and to provide by ordinance the manner and proceedings for so doing and each and everything necessary or requisite therefor.

42. To provide for the erection and maintenance of a sea wall, and for that purpose to create sanitary districts, and provide for filling in tide flats that may be enclosed by the sea wall, at the expense of the property benefitted.

ARTICLE XVI.

Sec. 1. *MODE OF PROTESTING AGAINST ORDINANCES*—This right of the people is provided for by laws of the State of Oregon in the Referendum Act.

Sec. 2. *PRESENT FORM OF GOVERNMENT CONTINUE UNTIL*—Except as otherwise in this Article provided, the form of government existing in the City of Astoria at the time of the adoption of this Charter shall continue unaltered, and all officers and other persons in the service of the City at the time this Charter takes effect continue to serve as such and to receive the compensation therefor now provided by law or by ordinanc, and to have and exercise the powers, authority and jurisdiction theretofore possessed by them respectively, until the elective officers first elected hereunder shall have qualified. Upon such qualification of said elective officers hereunder, the term of office of every officer or other person in the service of the City at the time this Charter takes effect, shall immediately cease and terminate. Thereafter all of said officers (except the

Commissioners and all of said other persons in the service of the City at the time this Charter takes effect shall continue to draw compensation at the same rate, and to exercise like powers, authority, and jurisdiction as theretofore, until replaced, or until the Board shall otherwise provide.

Sec. 3. *DUTY OF PRESENT OFFICERS AS TO ELECTIONS*- It shall be the duty of the Mayor, the City Council, and the City Auditor in office when this Charter is adopted, to comply with all requirements of Article 2 of this Charter relating to Elections, to the end that all things may be done necessary to the nomination and election of the officers first to be elected under this Charter.

Sec. 4. *PRESENT ORDINANCES CONTINUE IN FORCE*—All laws, ordinances, resolutions, by-laws, orders, rules or regulations, in force in the City of Astoria at the time this Charter takes effect, and not inconsistent with the provisions of this Charter whether enacted by the authority of the City or by any other authority, shall continue in full force and effect, until the Board otherwise by ordinance provides, notwithstanding any change of organization effected by this Charter.

Sec. 5. *PENALTY FOR VIOLATION*—Any person who shall violate any of the provisions of this Charter for the violation of which no punishment has been provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars ($100) or by imprisonment in the City Jail, not exceeding three months, or by both such fine and imprisonment.

Sec. 6. *DEFINITION OF MISDEMEANOR*—The term "Misdemeanor" as used in this Charter, shall mean a violation of any ordinance, of which the police court or magistrate shall have jurisdiction.

Sec. 7. *CONTINUING BONDS, ETC.*—All official bonds,

recognizances, obligations, contracts and all other instruments entered into or executed by or to the City before this Charter takes effect, and all taxes, fines, penalties, forfeitures, due or owing to the City, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this Charter.

Sec. 8. *DIRECT LEGISLATION*—Should the State Laws concerning the recall, referendum and initiative be repealed, the City of Astoria may keep the right of establishing direct legislation by the people, by amendment to this Charter through a petition of ten per cent of the legal votes cast at the last preceding city election, addressed to the Board and calling for amendments to the Charter by general or special election.

Sec. 9. *SUBMISSION OF CHARTER AMENDMENTS*—Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election.

Sec. 10. That upon the adoption of this Charter by the people of the City of Astoria, the same shall be in full force and effect from and after the first day of July, 1912.

Sec. 11. *REPEALING OF CHARTER OR PARTS THEREOF*—That all Charters and parts of Charters and Ordinances in conflict herewith are hereby repealed.

DONE IN COMMITTEE, In the City of Astoria, Oregon, this 20th day of October, in the year of our Lord, 1911.

IN WITNESS WHEREOF, We have hereunto subscribed our names:

HERMAN WISE,
A. R. CYRUS.
C. E. LANKESTER
WM. C. A. POHL.
L. C. McLEOD,
C. J. TRENCHARD,
B. J. SLOOP.

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